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JOHN KOREN

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# ALCOHOL AND SOCIETY

BY

JOHN KOREN



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## PREFACE

SINCE the memorable work of the Committee of Fifty was published there has been little discussion of the liquor problem except from the propagandist standpoint; and new studies of a general nature have not been undertaken. Evidence against alcohol is diligently being sought, not to enrich our knowledge but to prove an assumption. Searchers after fact are chided for failing to take it for granted that every depth of the drink problem has been explored and thoroughly mapped, and for venturing to question the wisdom and sufficiency of current remedial proposals.

Are we to believe that science has said the final word about alcohol? Is the solution offered by prohibitionists sufficient and are their methods sound? May there not be a better approach to the temperance ideal than through coercion? These questions, among others, the author seeks to answer. If the original articles in *The Atlantic* upon which the book is based awakened much resentment among prohibition enthusiasts, they were also accorded an attention which encourages the author to give them a more permanent and much enlarged form.

Of recent years so much ignorant assumption, prejudice, and fanaticism have obscured the real issues

in temperance reform that relentless criticism has become a necessity. One naturally shrinks from the obligation of giving a hurt by writing unpalatable truths; but there can be no apology for them. The wrath that may descend upon the writer is harmless so long as his utterances are not proved false.

The author gratefully acknowledges his great indebtedness to recent publications on the alcohol problem from which he has drawn both inspiration and information and which he has used freely. Foremost among these are the works of the Committee of the Swedish Medical Society, of the Norwegian Alcohol Commission, and the monumental studies by Dr. Ulrik Quensel. With these authorities on the many phases of the drink question and true temperance reform the author takes his stand, but he is willing always to modify his views in the light of new knowledge.

J. K.

*March, 1916.*

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ALCOHOL AND SOCIETY



# ALCOHOL AND SOCIETY

## CHAPTER I

### SOCIAL ASPECTS OF DRINK

#### I

#### INTRODUCTORY

ALCOHOL is a world-old and well-nigh universal article of consumption. For unnumbered centuries peoples in far-apart countries have habitually used a variety of alcoholic beverages made from grain, fruit or milk (*koumyss, kefir*). When the art of distillation had been mastered and finally made a commercial venture, spirits of all kinds became generally available, and, through the improved channels of transportation, reached the uttermost confines of the globe. At the present time, according to Dr. Hartwich, the only "alcohol-free" races are certain aboriginal remnants in Ceylon, Malacca, and among the Indians of South America.

Contrary to popular belief, the Muhammadans are not free from the dangers of alcoholism. Theoretically, all consistent Islamites are abstainers, but in practice they are not so. Large sections of the

population of India, especially the Muhammadan, are given to the abuse of spirits. The Turks of Asia Minor are held to be fairly sober; also the Tuaregs of the innermost recesses of the Sahara. Elsewhere throughout the Muhammadan world drunkenness has become common; for instance, in Egypt, Cyrenaica and the Tripolitaine; Tunis, Algeria, and Morocco; also in Persia and Syria.

The consciousness of dangers (chiefly individual) from the intemperate use of alcohol is also of great antiquity. Even the prohibition theory is of ripe age, for Muhammad was its first, and for a time, effective prophet; but it remained for modern times to discover in the abuse of alcohol a social-hygienic problem of the first magnitude. Great wisdom beyond this we have not yet attained.

Our temperance preaching has not wholly emerged from the vituperative stage. It is still the all-absorbing occupation of the reformer to denounce the wickedness and nefarious schemes of the "trade." But it is not helpful, for vituperation is a form, not of communicating truth, but of self-indulgence. It is a dull weapon of attack, and bars the way to an objective and passionless consideration, without which progress halts. To a great extent, even the so-called "alcoholology" of the latter decades savors of invective and extravagant rhetoric. But, more important, it astounds the critical investigator by the crudity of its methods of investigation, the triviality of much of its subject-matter, the glaring methodo-



logical defects, and the consequent questionableness of its general conclusions. But if evident untruths underlie some of the fundamental conceptions of the present-day systems of temperance doctrine, the protagonists of the *status quo* in liquor legislation are equally unscientific and guilty of untruths when they prate about the usefulness of alcohol in all its forms, shutting their eyes almost wilfully to its menaces.

Like the common run of alcohol literature, the practical temperance policies insisted upon are not based on real knowledge won through methodical observation and intensive study of the social aspects of the drink question. Indeed, our fact basis is amazingly weak. We do not know definitely the extent to which alcohol is abused within any state or any of its civil subdivisions, such as city, village, or rural district. We have no clear conception of the characteristics of the different types of alcoholic persons; we have not penetrated their lives; the kind and amount of injury they do themselves and others are known only in the most general way and have not been ascertained *in casu*. The development of alcoholism in the individual, and the circumstances of an individual or social character that give rise to and perpetuate it, have not been studied. We declaim about the use of alcohol as a social disease, yet are curiously ignorant of its deeper-lying causes, its manifestations and progression. There is no competent social organ delegated to observe the ravages of this disease and lay bare the many-sided conditions

that determine it. In fact, we lack the expertness needed in devising new measures of protection, as well as in tracing the effect against the drink evil of those we have adopted.

Yet the temperance question touches various phases of community life which can be made the object of exact investigation. In this field, as elsewhere, legislation must be preceded by accurate information, not only concerning social phenomena—the bad conditions of life—which instigate the reform work, but also about the circumstances that produce the phenomena. Unless such information is gained, all proposals for reform are likely to become one-sided and involve the danger that, in endeavoring to suppress an evident evil, we may originate others less easily discovered and perhaps more threatening.

Of course, the present directors of the temperance movement in our country will not accept this plea; for theirs is the enviable confidence of not needing to learn. Are not the children of our forty-eight states taught the precise physiological effects of alcohol in small and larger doses, although the scientist may still grope for the truth? Are not our towns and highways adorned with “posters” stating in exact percentages the human miseries that flow from intemperance? And are there not traveling exhibits that have “scientifically” charted every social relation into which alcohol enters, so that one may take in at a diagrammatic-statistical glance any fact—from the effect of one glass of beer upon a person’s industrial

efficiency to the hereditary influence of parental alcoholism upon the offspring? The finality of the case against alcohol seems indubitable since we are assured, under congressional frank, that the registered mortality due in some way to alcoholism equals the total registered mortality of all but infants for the whole country! Although the temperance question is fundamentally a problem in adjusting social conditions, nevertheless physiology, medicine, and statistics are called upon, not merely as witnesses but as judges who have rendered the unalterable verdict against alcohol.

In Europe, far-seeing temperance advocates realize the instability of the "scientific" foundation upon which it has been sought to rear the dogma of universal prohibition. But the leaders in this country continue to misplace emphasis upon statements selected from the teachings of physiologists, medical practitioners, and investigators, as well as upon inferences from social statistics. This appeal to authority carries unreasonable weight with the general public; for as a people we are singularly prone to accept generalizations dressed up in a quasi-scientific garb, when they are given repeated currency by that portion of the press whose chief function it is to spread inaccuracies. Probably Dr. Karl Pearson goes too far in saying, "We found that the whole 'scientific' basis of the movement [temperance] was worthless." Physiology and medicine are invaluable allies in the fight against alcoholism, but not as final arbiters of

legislative policies. Nor does the state of our knowledge about the relations of social ailments to drink enable us to prescribe a specific. But reformers assume generally that further pursuit of knowledge is superfluous; and it is therefore necessary to outline the more important "findings" about alcohol resulting from recent authoritative investigations.

## II

### ALCOHOL AS NUTRITION

From the social point of view, the dispute as to whether alcohol is a nutritious substance has only an academic interest and does not cover a real issue. One must accept it as incontestable that, as alcohol is burned up in the body, it saves carbohydrates, fat, and albumen, and is therefore to be reckoned among the nutritive substances. Dr. A. Forel, the eminent Swiss temperance leader, admits this, but suggests that alcohol be designated as a "poisonous nutriment," whatever that may mean. The fact that alcohol in large quantities has a toxic effect does not detract from its position as a nutriment in the physiological view. Yet to advocate alcohol as an article of consumption for the sake of its food-value is clearly inadmissible. In its most wholesome form, in pure beers, it is a poor substitute for other food. Alcohol does not sound its own warning against use in unduly large quantities by producing that sense of repletion which is characteristic of ordinary foods. Simply

the question of cost determines the unwisdom of regarding alcohol in any form as a food, unless it be in very special cases under medical direction.

## III

## THE EFFECTS OF SMALL QUANTITIES OF ALCOHOL

In recent years numerous experiments have been made to ascertain the precise effects upon the human organism of small quantities of alcohol. There is no scientific contention about the effects of large quantities, for the teachings of physiology merely reinforce what observation and experience have taught, namely, that alcohol consumed in large quantities operates as a dangerous poison. Theoretically, it is hardly open to dispute that relatively very small quantities of alcohol, such, for instance, as are found in fresh bread, do not harm the human body. The important question is whether a more or less habitual use of moderate quantities of alcohol, taken in the form of the customary beverages, injure health.

If science could furnish proof that even minute quantities of alcohol hurt the individual, it would lend the greatest possible support to the argument for general prohibition. But such evidence is lacking. Rosemann, widely known for investigations relating to alcohol, summarizes his extensive inquiries in these words: "It has not been proved that a moderate use of alcohol injures the healthy adult body." In discussing the assertion that even the smallest

doses of alcohol are hurtful to health, Dr. Santesson says: "The majority of physicians, as well as of the public, have never believed it, but hold daily experience to show that this conception is untrue and exaggerated. . . . Note well, the burden of proof rests on those who contend that in the long run minimal quantities of alcohol operate injuriously." The Swedish committee of physicians expressed itself on this subject as follows: "The attempt to find support in the results of medical investigations for the supposition that alcohol in the form of customary alcoholic beverages under all conditions is to be regarded as an injurious substance, a poison, can with certainty be said to have stranded. In this way the chain of evidence whether in favor of a voluntary or an obligatory absolutism cannot be completed."

Our present state of knowledge, then, does not permit any one to maintain that small quantities of alcohol are injurious to health even if consumed daily. But it is another matter to define where the boundary lies between the injurious and the non-injurious quantities when the object is to indicate a maximum limit as a guidance for every-day life. Many elaborate inquiries have been made in order to fix the safe maximum dose of alcohol, but with very varying results, some placing it as low as 16 grams per day, others as high as 100 grams or even higher. A majority of investigators would seem to place the limit at from 30 to 40 grams of alcohol,

corresponding to about one liter of beer or a tumbler of wine or a wineglass of whiskey per day.

The speculation about safe quantities is without much practical value, for the reaction of the individual to alcohol differs greatly, not only according to age and sex, but according to constitutional peculiarities and acquired qualities connected with the drink habits of the individual. There is no method by which we can measure the degree of individual tolerance to alcohol, and therefore it is impossible to generalize about the safe maximum quantity. We know that a person who is accustomed to intoxicants—perhaps owing to a more rapid burning up of the alcohol—shows greater tolerance toward it, while other persons exhibit such a degree of intolerance that even minute quantities may affect them as a poison. Not a little depends on the general mode of living, as alcohol is far more dangerous to the underfed person, when it is allowed to become, as it were, a substitute for food, than when taken together with a sufficient quantity of nutrition. Occupation, also, has some significance, since persons employed in heavy muscular work are more likely to resist the effect of alcohol than those of sedentary habits. Then, too, much depends on the purity of the beverage used, the concentration of alcohol, whether it is gulped down or consumed at intervals, with meals or before them, during the day's work or after its close, as well as upon habits of life generally. Again ordinary experience comes to our aid, for it teaches

us plainly, among other things, that some adults are peculiarly susceptible to the toxic action of alcohol and should shun it, while others are not injuriously affected if they use it in moderation. Experience also shows that alcohol has no more place in the diet of the young than coffee, tea, or spices, and for them, as well as for nervously sick persons, total abstinence spells safety.

Within recent years numerous experiments have been undertaken, the results of which have gained wide currency as proving that even a moderate use of alcohol may have, and generally has, a harmful effect. These experiments relate chiefly to the action of moderate doses of alcohol upon psychic functions and to some extent on muscular functions. They are largely the work of Kraepelin and his disciples, among whom may be mentioned Smith, Fürer, Schnidtmann, Hildebrandt, Ach, Aschaffenburg, Vogt, Rüdin, and others. These scientists do not themselves assume to have reached final conclusions on many essential points, and their evidence is by no means harmonious. But in the present-day discussion of the alcohol question so much emphasis has been placed upon the results of these experiments as a basis of scientific temperance teaching, that it is in place to examine their bearings a little more closely without, however, attempting to account for single experiments which would involve too much detail.

In general, it has been attempted to show the possibly injurious effects of alcohol: On the ability to



add numbers; on memory; on the perceptive power; on time reaction (the time elapsing before response is made to a given signal); on the ability to distinguish signals; on the power of understanding. Other experiments covered the probable effect of alcohol on eyesight (Busch), on hearing (Specht), and on will power (Hildebrandt). Finally, some experiments have been made to show the influence of moderate quantities of alcohol upon muscular activity.

Aside from the fact that some of the persons experimented on were little affected by the alcohol administered, the sum total of the results from the investigations under consideration points in large measure to the conclusion that alcohol in a greater or lesser degree has injurious effects. Yet all of the experiments lack a final scientific validity and are open to certain common-sense objections.

Evidently, an inquiry into the possible injurious effects of alcohol intended to illustrate conditions in every-day life must include consideration of persons who are accustomed to the use of alcohol, for they, and not the abstainers, are in need of guidance. Unfortunately, many of the experiments were made on persons wholly unaccustomed to the use of spirituous drinks; but if one wishes to reach a satisfactory conclusion in regard to their bad effects, this method is just as impossible as it would be to determine the injury from using tobacco simply by setting persons wholly unaccustomed to it to the task of smoking

cigars. Although this line of reasoning is so self-evident, it is a fact that the great majority of experiments in question were made on persons who for some time had been total abstainers or of whom it is not stated what had been their previous relation to the use of alcohol.

Professor Dr. Med. Axel Holst, who has made a searching examination of most of the important experiments under consideration, found that in seventeen of them nothing is known so far as five are concerned about the previous relations to alcohol of the subjects of the experimentation. The participants in three other experiments had been total abstainers, or practically so, for several years. Of the participants in one of the experiments, one had long been an abstainer while the other had kept abstinent for some time, and had never been habituated to a regular use of intoxicants. In two experiments the participants had foregone the use of alcohol for a definite time prior to the investigation, while nothing is stated about their earlier habits. Six other experiments show similar conditions. In short, out of the total number of investigations analyzed by Professor Holst that may be of some special significance for everyday life, he found it known only in regard to two that the persons lending themselves to the experiments had previously been accustomed to a regular use of alcoholic drinks. One of these, carried on under 'Aschaffenburg, related to four typesetters, and the other, by Busch, to the effect of alcohol on eyesight.

On the whole, it may be said that the experiments on persons who had been accustomed to the regular use of alcohol gave results less markedly unfavorable to drink than the others. If it be true that also in these cases the injurious, although less pronounced, effect of alcohol was traceable, it must be remembered that also these experiments were not conducted under conditions corresponding to those ordinarily governing a moderate use of customary alcoholic beverages. When the purpose is to find out by means of an experiment on human material what the ordinary effect of the moderate use of alcohol is, it verges upon the absurd to allow the drink to be taken on an empty stomach, or in a highly concentrated form, or to allow the subjects of the experiment to gulp it down at once. Such procedure affords the best possible conditions for illustrating the harmful effects of alcohol on the organism, for it enters most rapidly into the circulation of the blood when taken on an empty stomach or at once and in an undiluted form. In every-day life, moderate users invariably take their drinks in a diluted form, and with food; therefore the same detrimental effects do not occur as when alcohol is used without food, perhaps in the middle of the forenoon or afternoon.

Strange to say, these commonplace matters received little consideration in most of the experiments referred to. Of one of them, for instance, it is stated that a large quantity of wine was administered to the persons experimented on late in the afternoon, con-

sequently on an empty stomach, and that it was consumed at once. In another experiment, the equivalent of 200 ccm. of whiskey was taken in the course of a few moments, at eight o'clock in the morning. It is, therefore, not surprising to find one of the investigators reaching the conclusion that the most striking result obtained by him was that alcohol has a far more injurious effect when taken without than with food.

Another objection to several of the experiments in question is that the investigators have utilized themselves as subjects, a hazardous method in science, or that the persons experimented on have been perfectly aware of the kind and quantity of alcohol administered to them, and were thus subject to psychic influences which may have influenced the results. Rivers and others have pointed out this shortcoming, and obtained different results when the subjects of the experiments were given alcohol in such form that they were not aware of taking it. Practically without exception, the experiments considered were of too short duration to permit conclusive tests.

In raising these fairly obvious objections it is not sought to belittle the importance of the investigations carried on by the Kraepelin school. Theoretically, they undeniably have great value, and when supplemented by other and more searching experiments may prove a helpful guide to the regulation of every-day habits. Perhaps one can sum it up by saying, with Dr. Quensel, that the experiments have

proved that work and drink do not belong together, especially when the work demands alertness, attention, exactness, and industry; but this is no more than every-day experience teaches. When these investigations are said to prove that "alcohol reduces the ability to carry on mental work logically," this is also something coming within the purview of ordinary observation.

The earlier and quite commonly accepted theory that alcohol might prove particularly helpful in muscular labor has long since been exploded. To be sure, even Kraepelin admits that the use of alcohol may be rational, especially when the question is less of exertion of strength than of overcoming natural, or under certain conditions, morbid inhibitions, when a matter calls for quick decision. He adds, "This conclusion from the experiments harmonizes, as one knows, with the experience of every-day life."

Specht holds that the investigations hitherto made cannot be accepted as final proof of the effects of alcohol on psychic activities, and asks if it may not be that just on account of its influence upon the higher intellectual functions it contains a positive factor which in its action upon the mental life may be of no less significance than its negative effects in certain directions. In short, he finds that the question of the value of alcohol as a means of enjoyment is so interwoven with other questions of an esthetic, cultural, social, psychic, and mental hygienic character that it is exceedingly difficult to answer it, and that it can-

not be decided on the basis of the data so far at hand.

Other investigators—for instance, Thunberg—have begun to ask whether alcohol in inhibiting certain functions and setting others free, may not in many instances perform a beneficent rather than a harmful service. “It would be well,” he says, “if immediate attention were paid to the possibility that some persons gain a certain benefit from alcohol without paying too dearly for it, . . . and this may be conceived in regard to the effect of alcohol both on the subjective moods and on the activity of thought. It is quite possible that the mental life of some persons is too largely stamped by inhibitions and resistance. And it is not excluded that in some cases alcohol may in a beneficial way counteract the inhibiting forces and, by removing resistance, afford freer play to thought.”

So far, then, experimental investigations, while they may indicate certain injurious effects of alcohol under particular conditions, do not furnish conclusive proof that every use of alcohol is to be condemned, and least of all do they provide a final argument against its moderate use.

On the other hand, it is not attested by history nor by present-day facts that alcohol-using nations must inevitably succumb to the forces of intemperance. It is commonplace that peoples more or less habituated to the use of intoxicants have made incomparably greater progress in things that are the boast of our civilization than, for instance, totally or

partially abstaining peoples, such as the Hindus and Muhammadans. Racial or cultural differences do not account for this condition. One notes, too, that the degree of eminence attained by various European nations does not seem to bear any relation whatsoever to their drink habits. The Great War has served to bring this into light. The endurance and ability to organize shown by France, not to mention her pre-eminence in peaceful pursuits, appear to be unimpaired, although the country is perhaps the most alcoholic in Europe. Both in pacific and military arts the Belgians measure high in the scale, although their consumption of drink is almost twice as great as that of the United States. No nation has developed a more marvelous efficiency and strength than the German, notwithstanding centuries-long extensive use of alcoholic drink.

As with entire nations so with their leaders. If there have been total abstainers whom different nations count as among their foremost men, they have not surpassed their numerous predecessors who were not abstainers. Nor can the average total abstainer be shown to possess any superiority over the average moderate user of alcoholic drink in mental and physical ability and accomplishment.

It has often been brought forward as an argument for the absolute exclusion of alcohol that a moderate use may easily degenerate into misuse, because the consumption of alcohol is believed to create a desire for it in ever-increasing quantities. Of

course it is impossible to prove this contention, statistically or by any other evidence. There is abundant reason for the opinion that in our times most persons who take alcohol use it moderately, that is, its use does not lead to abuse. Were it not so, the inroads of intemperance would certainly be far greater, and we should witness the wide world over an inordinate increase in the consumption of intoxicants which would defy all control. History, however, records a return to sobriety also in lands that once were fairly inundated by drink, whose people have survived and thrived. Therefore, the fear that a moderate use of alcohol will lead to intemperance lacks justification.

#### IV

##### ALCOHOL AND DEGENERACY

Merely the denial of physiologists that alcohol, in the form of beverages commonly used, is to be regarded purely as an injurious substance or as a "poison," cannot determine our attitude toward prohibition. We are told to weigh the pleasures or benefits of drink against the misfortunes and social ill-being it causes. Yet, though evidence tell overwhelmingly against alcohol, there still confront us these two fundamental questions: Can national prohibition stop or in a notable degree ameliorate the evils resulting from alcoholism? Can the result be accomplished with greater certainty and less risk through other means? The second question will be



answered in the last chapter of this book. The reply to the first question must be based on accurate knowledge of the kinds and extent of the injury wrought by the abuse of alcohol, for otherwise we cannot decide wisely about the protective measures to be taken or perceive the sacrifices it may be necessary to make.

Within the slender frame of a single chapter one can hardly attempt more than the most summary consideration of the social conditions and phenomena seemingly bound up with the alcohol problem. Perhaps none is more fundamental than that of the relation of alcohol to heredity. Many have come to regard alcohol as one of the most important causes of a family degeneration which manifests itself in different ways. The evidence is culled from numerous observations of families of alcoholists, in which the children exhibit more or less pronounced indications of mental and physical defect. Some go further and hold alcohol responsible for a diminished reproductiveness, the frequency of miscarriage, and increased infantile mortality. Doubtless the abuse of alcohol is not without influence in these respects; and most investigators agree to the extent that mentally or physically abnormal children are more frequently found in the families of drinkers than elsewhere. But opinions diverge sharply on the *interpretation of the causes* that determine such conditions.

Perhaps no modern investigator has subjected the mass of material relating to this subject to such a

fair, thorough, and exhaustive test as Dr. Ulrik Quensel, Professor of Pathology at the University of Upsala.<sup>1</sup> The writer therefore feels safe in setting forth his judgment on the scientific value of the conclusions reached by writers like Bezzola, Bunge, Forel, Gruber, Legrain, Laitinen, Saleeby, Helenius, and a host of less-known spokesmen for theories about the race-destroying effects both of acute and of chronic alcoholism.

Dr. Quensel, in summing up, considers whether the *a priori* assumable direct effect of alcohol in poisoning the sex-cells and their hereditary-bearing substance, or the indirect effect of alcoholism on the family and the environment in which the children are reared, is of greater significance. He rejects the theory, advanced by Forel and others, of a direct destructive effect of alcohol on the germ-plasm, in cases of both acute and chronic alcoholism, saying, "The facts hitherto brought forward do not constitute binding evidence of the general validity of the theory." Its theoretical possibilities he does not deny. In particular, moreover, he is skeptical as to the opinion that "even a moderate use of alcohol or a single accidental intoxication, by its direct effect on the germ-plasm, can cause changes transmissible to the offspring." But he is not blind to the possibility that a chronic misuse of alcohol may have an injurious effect on the organs of reproduction.

<sup>1</sup> *Alkoholfrågan Från Medicinsk Synpunkt*, 1913.

It is frequently the case, says Dr. Quensel, that the alcoholic himself has an inherited psychopathic tendency which made him a drinker in the first instance, and which eventually may be transmitted to his children. The statistical literature so largely called upon to prove the transmission of degeneracy and certain forms of mental disease through alcohol, he dismisses by citing the words of the eminent medical statistician, Dr. Weinberg, who says, "Almost everything remains to be done to produce exact workable statistics free from objections."

Of course, Dr. Quensel is not oblivious to the manifold indirect effects alcoholism may have upon family life, and its consequences for the children. The obvious poverty resulting from alcoholism and the associated unhygienic conditions of living, hardly need mention; but justly to appportion the exact value of all such influences in the individual instance is almost insuperably difficult.

According to Dr. Quensel, we do not know definitely "that alcohol, as such, diminishes reproductiveness." The frequently excessive infantile mortality in the families of alcoholics, he finds may be due to a congenital weakness in the children, which nevertheless may also be explained by the untoward outer conditions referred to. The assumption that a psychic abnormality in the children of drunkards, especially in the form of feeble-mindedness, idiocy, and epilepsy, results from the parental abuse of alcohol, he regards skeptically, stating that the causa-

tion in this form of degeneracy is exceedingly complicated and not yet demonstrable. On the other hand, he believes that the indirect influences of alcoholism bear widely upon the development of the children, and may suffice to make this development more or less abnormal.

The prohibitionist conception of alcoholism as the most potent race-destroying agency is therefore wholly untenable.

The Swedish committee of physicians concludes its chapter on alcohol and heredity as follows: "To speculate about alcohol as a cause of the degeneration or dying out of whole nations, is under these circumstances unjustifiable, at least in case one bases its influence upon an assumed effect of the individual on the offspring. That alcohol through its social consequences under certain conditions, for instance among aborigines, may bring a people to the brink of destruction, is certain. But in regard to European civilized peoples, an impartial investigation of their relation to alcohol seems to favor the hypothesis that "the organ of heredity," perhaps through selection, has acquired the ability to protect itself against alcohol, rather than the popular assumption that this organ—on account of its supposed fine structure—is especially exposed to all the poisons circulating within the body and thereby surrenders the generation to destructive agencies of all kinds."<sup>1</sup>

<sup>1</sup> *Alkoholen och Samhället*, 1912.

## V

## ALCOHOL AND INSANITY

Allied to the basic question of alcohol as a direct factor in degeneracy is that of its position as a cause of insanity. The popular picture of its importance in this respect is much overdrawn; and for this exaggeration the propagandist temperance literature is responsible. As a rule, the nervous and mental ailments of alcoholic origin are clearly distinguishable. This is true, for instance, of alcoholic poli-neuritis, which sometimes is associated with mental disturbances. Alcoholic hallucinations and delirium tremens, the commonest form of insanity caused by drink, are easily recognized. Of less certain etiology are rarer forms of derangement such as "alcoholic paranoia."

The causative relation of alcohol to other forms of mental disease is even more obscure. In general, the abuse of alcohol appears symptomatically in a number of dissimilar psychoses, such as dementia praecox, maniacal and paralytic conditions of exaltation, and others. It is accepted that alcoholism may contribute directly or indirectly to upset the psychic balance of persons predisposed to mental disease and thereby help to give it form. The whole case can be put briefly in this way: The mental diseases occurring in intemperate persons are partly of a specific character, partly those in which alcoholism is con-

tributory, and partly those in which it must be regarded less as a cause than as an expression of an abnormal psychic constitution which becomes more clearly revealed by mental disease.

Much of the flatulent statistical material invoked to prove that alcohol is a most prolific source of insanity is of the imaginative or made-to-order variety. The United States Census report on the insane in hospitals shows alcoholic psychoses to be the diagnosis in but 10.1 per cent of the whole number of patients admitted to all hospitals for the insane during 1910. Yet the inference that none of the persons involved would have become insane except for the abuse of alcohol is not at all permissible. Quite apart from any inclination to exaggerate, and apart from a frequently antiquated classification of mental diseases, the average hospital diagnostician does not or cannot procure the data which invariably enable him to determine whether alcoholism is of a mere incidental kind and a symptom of an abnormal make-up or an already existing mental disease, or a true etiological factor.

In curious contrast to the above-mentioned percentage of alcohol psychoses in all the hospitals for the insane in the United States, is the result of an investigation made in 1915 under the authority of the Massachusetts State Board of Insanity. It relates to 793 cases in the State Hospital for the Criminal Insane. Of this number, no less than 340 were originally committed from the so-called State

Farm, to which chiefly drunkards, tramps, and others of the same strain are sent; the remainder for the greater part being committed from other penal institutions. Thus the character and past of the inmates would seem to give promise of yielding high percentages of alcoholic psychoses. Yet the "probable diagnosis agreed upon" (by the competent alienist in charge of the investigation), in conference with "the Superintendent and other members of the staff," discloses chronic alcoholic insanity in 8.8, acute alcoholic insanity in .3, chronic alcoholism in .1, and feeble-mindedness plus acute alcoholic insanity in .1 per cent of all the cases, or a total of 9.3 per cent with stated alcoholic psychoses. Such figures should at least make one very cautious about accepting current statistics purporting to establish alcohol as probably the chief causative factor in insanity.

On the whole, the statistical material available both in Europe and in the United States, purporting to deal with alcohol as a factor in insanity, is of an unsatisfactory character also because much of it dates from a period in which the classification of mental diseases as well as their diagnosis left much to be desired. Several statistical investigations are at hand, however, which serve to illustrate from a more general point of view the relation between alcohol and insanity. Their general tenor is to raise very serious doubts in regard to the significance of alcohol as a direct factor of disease in mentally healthy persons who are free from psychopathic tendencies,—except,

of course, the alcoholics themselves, who, etiologically considered, form a separate group. Other investigations proceeding from different points of view have likewise yielded results that make one query whether alcoholism is a particularly important cause of other forms of mental disease than those classified as purely alcoholic.

Already the incontestable fact that women, who universally are far less given to alcoholic indulgence than men, are known to be relatively almost as liable to insanity, bespeaks caution in judging of the significance of alcohol in the etiology of mental diseases generally. The distribution of males and females in hospitals of the insane in the United States indicate this. Although the males preponderate in them as well as in the general population, the difference is not so great as to be explained on the basis of a single etiological factor.

An exceedingly important comparison has been made by Dr. J. Scharffenberg, himself a foremost advocate of abstinence, of the relative frequency of mental disease in Norway and Denmark. As is generally known, the consumption of alcohol in Denmark is more than treble that in Norway. Dr. Scharffenberg says: "If alcoholism were a specially important cause of mental disease, then mental disease should be considerably more frequent among men than among women, and more frequent in countries with a large alcohol consumption than in countries with a low consumption; but a comparison between Norway and



Denmark shows at once that this is not the case, assuming the enumerations of the insane to have been just as exact in both countries." He then adduces a table of the insane in both countries per 10,000 of population, classified by age, which shows the ratio of 26.69 insane men in Norway as against 16.2 in Denmark, while the ratio of insane women was 26.40 in Norway and 18.0 in Denmark.

Dr. Scharffenberg then continues: "The number of insane is thus for both sexes and in all age groups considerably higher in Norway than in Denmark—even in the case of men between 20 and 40 years of age about twice as frequent in Norway as in Denmark—and in Norway mental disease is slightly more frequent in men than in women, while in Denmark it is rarer among men than among women in spite of the great extent of alcoholism. . . . The same is true in regard to the relation between alcoholism in parents and idiocy in the offspring. I assume a very skeptical attitude toward the current belief in such a relation and hold that both idiocy and alcoholism have been an expression of degeneration in the cases on which the assertion has been based that parental alcoholism leads to feeble-mindedness in the offspring." He shows that per 10,000 inhabitants there were in Norway 22.64 idiotic males as against 14.6 in Denmark, while the ratio of female idiots in Norway was 18.55 and in Denmark 11.7. Dr. Scharffenberg concludes from these figures that Norway thus has considerably more idiots than Denmark, although the

Danish consumption of alcohol for at least fifty years has been more than twice as large as the Norwegian.

It is finally to be remarked that mental diseases directly attributable to alcohol as a rule pass quickly away. This is particularly true of delirium tremens, and also of hallucinations. Alcoholism, especially in large cities, is "certainly the cause of a large number of mental diseases, but only exceptionally of those which in popular parlance are designated by that name; and as alcoholic mental derangements are of a temporary character and due to a certain outward and not insuperable cause, they do not have such serious consequences either for the individual patient or for society, as commonly have the other mental diseases."

If actual conditions pointed to alcohol as one of the chief factors in mental disease, it would necessarily follow that the number of total abstainers among the mentally sick would be relatively low. There is no evidence to this effect, but negative proof may be adduced from the statement already made in regard to the great proportion of women among the insane, of whom it may be assumed that the greater number, at least, of those who come from prohibition states, are abstainers.

Alcoholism frequently gives rise to certain hallucinations that deserve attention, although they cannot be designated as mental diseases. Commonly such hallucinations take the form of an unwarranted

jealousy, that is, a groundless suspicion turning, perhaps, into accusation of marital infidelity. Hallucinations of this kind often lead to violence and occasionally to crime. Erroneous imaginings are frequent in chronic alcoholics, not only when they are in a state of acute intoxication, but also when they are sober.

By far the most common and usually the earliest appearing effect of chronic alcohol poisoning on the brain shows itself in blunted mental powers and a corresponding loss of energy and of inclination to work. It is an every-day observation that the character of the alcoholic undergoes marked changes. He grows irritable and weary of existence; his ethical perceptions become dulled; his sense of shame grows less; the feeling of family and civic responsibility disappears. At the same time he develops more and more into a cynical, brutal egoist.

That alcoholism is productive of mental conditions to some extent leading to suicide, hardly needs confirmation. It is, of course, difficult to determine precisely the causative factors in very many if not in most cases of self-destruction, and drink may be only one of several. A comparison of the rate of suicide in different countries with the per capita consumption of intoxicants yields rather contradictory results. In France, Switzerland, and Denmark, a heavy consumption of alcohol coincides with a high rate of suicide. On the other hand, in the Netherlands the frequency of suicide is about equal to that in Norway,

although the annual consumption of alcohol is about twice as large as in Norway. In Great Britain and Ireland the suicide rate approaches that of Norway, yet the consumption of alcohol is much greater than in the Netherlands. Self-destruction appears to be less in Belgium (the statement refers to conditions prior to the war) than in Sweden, and it equals about one-half of that for Denmark, although the per capita consumption of alcohol in Belgium was about twice as much as that of Sweden, and larger than that of Denmark. Self-evidently, these facts point to national characteristics and peculiarities of a more or less determinative kind, from which it is impossible to draw hard and fast conclusions. The only thing which can be said with certainty is that care must be taken not to exaggerate alcoholism as a cause of suicide.

## VI

## ALCOHOLISM AND DISEASE

The medical literature on alcohol as a factor in disease is perhaps more prolific than conclusive. To begin with, the effect of the abuse of alcohol on the human organism is of such a character that from a pathological-anatomical point of view it is hardly permissible to designate specific diseases as being of purely alcoholic origin. In other words, the disease changes which occur in different organs, and which are more or less conditioned by the abuse of alcohol,

should not be regarded as peculiar and independent manifestations of disease, for they may be due to several other causes; they are not necessarily characteristic of drunkards, since alcohol is only one of their etiological factors. Some of the "approved text-books" quite overlook this truth.

Of course, the question at this point is not of a moderate use of alcoholic beverages, for this is conceived to mean one without deleterious effect upon the condition of health. That some persons react unfavorably to alcohol in any form and in the smallest quantities, usually points to a psychopathic condition or to a peculiar nervous make-up. An analogous example is that of otherwise healthy persons who, for instance, cannot use tobacco and coffee without disagreeable consequences, or who are "poisoned" by eating certain foods.

The immoderate use of alcoholic drink frequently leaves unmistakable traces of its action, but may also be very obscure in its effects. The relationship between excessive drink habits and ill-health is made evident also from the fact that, after a period of complete abstinence, certain notable symptoms of physical derangement to which drinkers are subject may wholly disappear. Moreover, continued abuse of alcohol may reveal symptoms of disease, as well as changes in different organs, that are objectively demonstrable. But the positive connection between alcohol and disease can as a rule be determined only when a complication of different disease-symptoms

has made its appearance, or when a single manifestation of disease can be viewed in the light of a previous abuse of alcohol.

Aside from this, ordinary experience tells us that through the economic conditions it creates, and by impairing one's vitality and in other ways lowering the power of resistance, habitual alcoholism predisposes and exposes to disease. The moral aspect of the case is a different story and does not belong to the present discussion.

The insistence of current anti-drink literature that alcohol is a direct cause of certain diseases makes it desirable to mention briefly what deductions medical science appears to warrant.

It is commonly accepted that alcoholism tends to lower the power of the human organism to resist infections generally. This observation rests upon broad experience rather than upon extended scientific tests. Among acute infectious diseases the largest attention has been devoted to pneumonia in its relation to the drink habit. The computations made by a number of medical statisticians purport to show an excessive mortality from this disease among drinkers. Its fatality when complicated with delirium tremens is well known. Recent investigations going into greater detail have shown very clearly the prominent part played by delirium tremens as a complicating factor in pneumonia. Thus Karlsson has found that if the delirium patients are excluded, the mortality from pneumonia

is not greater among men of the age of 20 to 50 years than among women of the same age classes, although the latter are far less likely to abuse alcohol. Pneumonia thus becomes especially dangerous to drinkers when a new condition of disease is added. Still some of the most recent as well as extensive statistical inquiries have not established any especially prominent influence of alcoholism in pneumonia cases, for instance the so-called Leipzig investigation (1910). On the whole the available data are somewhat contradictory and generally inconclusive, especially the statistics seeming to indicate a greater mortality among men than among women from this disease, which self-evidently may be due to quite other causes than drunkenness. How uncertain the inferences drawn from such statistics are appears also from computations of the mortality from pneumonia in relation to the number of persons attacked by it. In Norway, for instance, it has been found that the morbidity was not larger but rather somewhat smaller among men than among women; and the greater mortality among men was due to the circumstance that more men were attacked.

The relation of tuberculosis to alcoholism has been the subject of a vast amount of discussion and no little statistical inquiry. It is commonly assumed that drinkers are particularly exposed and more frequently succumb to pulmonary tuberculosis than other persons. Some authorities hold that alcohol-

ism has the direct effect of weakening the organism and thus diminishing the power of resistance against infection, while others incline to emphasize its indirect effect both on the individuals and on the general condition of living. We know that unhygienic, crowded dwellings lacking light, air, and cleanliness, induce tuberculous infection. And as alcoholism makes for poverty and suffering in many families, it contributes indirectly to spread the disease, especially because inebriates frequently are indifferent to the commonest demands of personal hygiene and are underfed if not suffering actual want. In so far as it creates a generally unfavorable environment, it is therefore clear that alcoholism in many instances is a very active factor in spreading tuberculosis. Beyond this we have little evidence of a direct relation between this disease and intemperance. The statistical studies made are not so exhaustive or free from objection as to be authoritative. Merely to ascertain the alcoholic habits of tuberculous persons is not enough; the investigations must include large numbers of persons who abuse liquor in order to learn the general frequency of tuberculosis among them.

The pitiful ravages of tuberculosis in this country among rural dwellers of certain nationalities, for instance, the Scandinavian, have long been observed. Since the young of both sexes are equally among the victims, and it can be established that they, as well as their parents, are almost free from alcoholic



habits, intemperance appears to be excluded as a causative factor in their case.

Were the use of intoxicants in itself a factor in tuberculosis, one would expect to find a definite parallelism between the consumption of alcohol in a country or locality and the frequency of tuberculosis; but it has not been established. A comparison of the statistics of tuberculosis by Prinzing with statistics of the consumption of alcohol shows the mortality from tuberculosis in Switzerland and Spain to coincide with the very large consumption of alcohol in these countries, while in the Danish cities, in spite of a similar or perhaps larger use of alcohol, the mortality in question is considerably less. The mortality from pulmonary tuberculosis is less also in the Danish than in the Swedish cities, although the consumption of drink in Denmark is twice as large as that of Sweden. The same difference is to be observed between German and Swedish cities. Furthermore, while the mortality from tuberculosis in 1891-1900 for the whole of Holland was equivalent to or probably only two-thirds of the corresponding mortality for the whole of Norway, the consumption of alcohol in Holland was at least twice as large as that of Norway. Finally, the mortality from tuberculosis for the whole of Italy fell below that in Germany, although the consumption of alcohol in the two countries was about equal.

All evidence at hand warrants the conclusion that the larger or smaller quantities of alcohol consumed

do not of themselves determine the frequency of tuberculosis in any country, but that other factors must be taken into account. Also, it is not proved "that a moderate consumption of alcohol affects injuriously the power of resistance to tuberculosis; but that the question must be one of abuse."

The exceedingly common conditions of disease due to a hardening of the arteries have been made the subject of an unusual amount of investigation, but without establishing how far alcohol is one of its causative factors. The relation of arteriosclerosis to the occurrence of chronic changes in the heart, kidneys, brain, and other organs is held to be very specific and important. If, then, the contention were true that alcohol, more than anything else, occasions arteriosclerosis, the case against drink even in moderate quantities would be very strong, but it does not seem to be supported by any comprehensive, systematic, pathological-anatomical investigation. On the contrary, foremost pathologists have demonstrated conclusively not only that the arteries in cases of pronounced alcoholism may show a complete absence of arteriosclerotic changes, but that the disease does not occur earlier or to greater extent in alcoholics than in others. One may therefore safely say that in this instance as well as in many other manifestations of disease, the tendency is to exaggerate rather than to minimize the position of alcohol as a factor.

Chronic diseases of the kidneys have been held,

particularly by English and American physicians, to owe their origin to intemperance; and mortality statistics of most uncertain value are resorted to as proof. Investigations made in various countries (for instance, Germany and Denmark) are not at all in accord about the relation between chronic kidney diseases and alcoholism. Recent inquiries made in this country confirm the view (*Journal of the American Medical Association*, 23-7-1910) that chronic diseases of the kidneys occasionally do arise from alcoholism, but that the frequency of such cases is very doubtful.

In temperance text-books as well as in general discussion, great emphasis has been placed upon the occurrence of cirrhosis of the liver, which is designated as specifically a drinker's disease, a name, as Dr. Quensel remarks, that with far greater justice could be applied to fatty degeneration of the liver, as the latter is much more common in drinkers and of more regular occurrence than the comparatively rare cirrhosis. This much seems to be established by modern research,—partly that cirrhosis in inebriates is relatively unusual and, partly, that cirrhosis of the same character as that found in inebriates occurs not seldom without a previous abuse of alcohol. It has also been ascertained that the occurrence or the degree of cirrhosis does not bear direct relation to the amount of alcohol consumed. Moreover, persons who have not misused or have only moderately used alcohol may suffer from the

disease, even the very young. The doctrine of the supremacy of alcohol among the factors in cirrhosis of the liver is largely mere assertion. One thing only can be said with a degree of finality; that excessive drinking predisposes to this particular disease as to several others.

It would carry us far beyond the scope of the present discussion to mention even thus cursorily the other bodily ailments in their possible relation to alcoholism. Those considered are most frequently referred to in arguments for absolute prohibition and have therefore required some attention; exactly what part alcoholism has even in regard to these is quite obscure and uncertain, and, of course, this is far more likely to be true of other conditions of disease less obviously associated with intemperance.

The actual mortality due to drink cannot be stated for any country. Statistical evidence is hardly needed to show that a long-continued excessive use of alcohol tends to shorten life. But to what extent this happens we do not know. Neither American nor European statistics can lay claim to especial validity in determining in a general way how far alcoholism is a direct factor in mortality; our own are notably full of omissions and uncertainties. Some European investigations indicate, among other things, an excessive mortality within certain occupations in which alcoholism is most likely to be prevalent. This harmonizes with every-day observa-

tion and experience, but does not bear with much force on the question of a moderate use.

Most of the statistics contrasting the mortality in cities and in rural districts and comparing the mortality among alcoholics with that of the general population are inconclusive, some of ancient date, and generally open to all manner of objections purely from a statistical point of view.

If one could establish a definite parallelism between mortality and the quantitative use of alcohol it would provide a strong reason for believing in an excessive mortality due to alcoholism, but it does not seem to exist. It is frequently instanced that the average duration of life in Sweden has increased constantly since the beginning of the year 1800, although the abuse of alcohol in the latter part of the first half of this century was unparalleled and although the consumption still remains comparatively high. In the same country an astounding variation in mortality has been found within different provinces and bearing no relation whatsoever to the known consumption of alcohol. Ovize has shown that in France the extent of mortality in different departments seems to be wholly unrelated to the amount of alcohol consumed. When the conditions in entire countries are compared the same fact stands out.

“In order to determine more clearly,” says Dr. Quensel, “how far the general mortality in different countries appears to stand in direct relation to the

consumption of spirits, I have prepared the table given below, in which I show the number of deaths of men per thousand during the years 1891-1900, or for parts of this period. The consumption of spirits is reckoned per capita in liters of absolute alcohol for the same years as covered by the mortality statistics (except that in regard to the Netherlands and Finland the consumption covers a shorter period).

	MORTALITY AMONG MEN	CONSUMPTION OF AL- COHOL IN LITERS OF ABSOLUTE ALCOHOL
Sweden .....	19.63	5.66
Norway .....	19.84	2.85
Denmark .....	19.92	11.80
Netherlands .....	21.65	6.00
France .....	21.86	20.80
Belgium .....	22.03	14.00
England and Wales .....	22.66	11.00
Finland .....	23.31	2.04
Italy .....	23.35	15.20
Germany .....	24.65	9.50
Austria .....	26.48	9.40

“The table indicates in general that there is no parallelism between the mortality statistics and the consumption of spirits. There are evidently other factors which determine mortality as a whole for the country, among which may be mentioned the influence of infant mortality, of infectious disease, and the general condition of hygiene.”

The returns of life insurance companies have been widely cited to prove that abstainers enjoy a greater longevity than moderate drinkers. An especially

liberal use in this respect has been made of the returns of the Scepter Life Association and of the United Kingdom Temperance and General Provident Institution. These life insurance statistics have been made the subject of much incisive and to some extent destructive criticism in so far as an effort has been made to construe them as evidence against all use of intoxicants. Without attempting to restate the objections raised or to enter upon a technical analysis, it may be said that life insurance statistics no doubt confirm the obvious conclusion that the expectation of life is shortest among the habitually inebriate, but this proof of a super-mortality among non-abstainers does not imply a condemnation of every use of alcoholic beverages. It is clear that among insured male non-abstainers there will always be found a number of persons who abuse drink, or who must be regarded as uncertain, and yet serve to increase very considerably the total mortality among the non-abstainers. On the other hand, English life insurance statistics show the difference in the mortality rate among abstaining and not totally abstaining women on the whole to be very slight, which strongly contradicts the assumption that a moderate use of alcohol must necessarily be detrimental to health. If one considers that this difference among the insured women (3 per cent) may be quite accidental, and that in England some women are intemperate while others are uncertain in regard to drink habits, it seems reasonable to infer from

these statistics that a moderate use of alcohol in general is not injurious to health.

Recently much attention has been given to the returns of American insurance companies. They, too, yield evidence of a shortening of human life through an immoderate consumption of liquor. Beyond this, they are of uncertain value. The classifications generally followed have been so unsatisfactory and open to possible errors that the conclusions drawn are chiefly of speculative interest. Beyond doubt, a great deal still remains to be done in this field, requiring years of patient labor of a much more intensive and continued kind than any hitherto expended, before the wished-for far-reaching conclusions can be drawn.<sup>1</sup>

## VII

### ALCOHOL AND ECONOMIC DISTRESS

Undeniably, the abuse of drink results in more or less permanent economic distress, and even a moderate use in the individual case may spell an indefensible waste. Citations of "national drink bills," however, are not especially impressive evidence on this point, since it cannot be shown that money spent for liquor would invariably be saved were the lawful opportunity for purchase cut off. Moreover, it is

<sup>1</sup> For a summary statement of the inferences to be made from American Life Insurance statistics about the influence of alcoholism upon mortality, see Appendix, p. 253.



demonstrable that the sum spent annually in the United States on different articles of luxury, such as tobacco, confectionery, soda, tea, coffee, and many others, far exceed the total sum expended for alcoholic beverages.<sup>1</sup>

We know, then, that economic injury wrought by alcohol is very great, but lack definite information about its extent and manifestations in different places and in the different strata of society. Efforts to state statistically the relation between poverty and drink, particularly those of earlier date, are in part faulty and therefore misleading. Whenever the investigators found indications of the drink habit, it was set down as a cause or probable cause. But to-day it is understood that the scientific investigator must inquire, not only to what extent the individual constitutional defectiveness causes both alcoholism and poverty, but also how far alcoholism results from distress occasioned by a variety of eco-

<sup>1</sup> The value of intoxicating liquors of all kinds produced in the United States and imported during a year may be placed, in round numbers, at \$610,000,000. The value of the tobacco manufactured and imported, of confectionery and mineral and soda waters produced, and of coffee and tea imported in a year amounts, in round numbers, to \$832,000,000. If other articles of luxury produced and imported during a year are considered, such as jewelry, precious stones, millinery and laces, artificial flowers and feathers, \$230,000,000 must be added to our bill of luxuries, which thus would reach a total of more than \$1,600,000,000. Of course numerous other things can properly be classified as luxuries. The actual selling value of the articles enumerated can only be surmised.

conomic and social conditions. The results, for instance, of the investigation into the relation between poverty and drink made by the Committee of Fifty, which have been received as authoritative, and for which the writer had large responsibility, doubtless need to be revised in the light of modern teachings. All recent facts brought forward by social workers and investigators affirm this. Ignorance about the proportion of distress attributable to excessive use of drink we share with nearly every other civilized country. The most recent study of the subject is one just published by the Alcohol Commission of Norway and made by the Central Statistical Bureau of that country. The inquiry embraced all persons who received public poor relief in 1910. In the cities, drink is stated to have been the chief cause of distress in 4.8, a contributing cause in 1.8, habitual drunkenness during earlier years a cause in 2 per cent of all cases,—or a total of 8.6 per cent. The corresponding numbers for the rural district were 1.2, 0.8, and 2.5 per cent, or a total of 4.5 per cent. How far percentages for this country would correspond cannot be stated.

In recent years no extensive study of any magnitude has been made in this country of the various factors in poverty. We do not even know the extent of economic distress for any one state or for its larger subdivisions, much less how far it is related to drink. It is significant that nowadays professional charity workers are growing more and more

chary of defining the position of intemperance among the causative factors of poverty, recognizing that it frequently has a background of ill-health, crushing economic conditions, and other unfortunate circumstances from which some persons seek a mistaken relief.

The technical and inherent difficulties of these inquiries are so great that mostly a dead statistical material results, which, however, may be useful in refuting popular fallacies. Even if it remains uncharted, the large economic misery caused by alcoholism cannot escape attention. Indirectly, it effects economic injury by impairing the physical and moral capacity for securing improved conditions of living; and a lessened demand for better things prevents social development generally from attaining higher levels. Directly, the abuse of alcohol leads to conditions of disease, loss of earning power, and unwillingness to labor. Permanent work-shyness is not under consideration,—for that has been shown to result from psychic defects acquired through mental ailments rather than from alcoholism itself,—but that idleness which frequently occurs after a periodic or sporadic “celebration.”

Cumulative evidence to show that the habitual use of intoxicants during work hours, even if it does not degenerate into drunkenness, tends to lower one's efficiency, is surely not needed. Alcohol and work do not belong together. How far even minute quantities of alcohol retard the normal responsiveness of

muscle or mind when called upon for definite tasks is another question. So far experiments with the time-reaction of persons under the influence of certain quantities of alcohol and without it, cannot be regarded as conclusive; they have not been carried out on a sufficient scale to warrant generalizations, or with due regard to the tolerance toward alcohol on the part of the object of the experiment, or with the necessary freedom from psychic influences.

As a factor in industrial accidents, the abuse of liquor or intoxication by no means occupies the place popularly ascribed to it. The widely published statement that drink causes more than one-half of all the industrial accidents in the United States is a fabrication and an absurdity. After a careful summing up of all available official data on this subject, Mr. Gustavus Myers says: "The returns show that deliberate recklessness or intoxication is not frequent as the cause of accidents, and in fact is so exceedingly slight as not to require serious consideration in the analysis of the immense number of accidents occurring in the United States annually."<sup>1</sup> The relation of drink to industrial accidents has recently been given attention in a study made in this country under the auspices of the British Association for the Advancement of Science. It was found, among other things, says the report, that both output and accident immunity in factories vary inversely to fatigue.

<sup>1</sup> Quarterly Publications of the American Statistical Association, September, 1915.

“ In fact, our figures agree with one another to such an extent, particularly those of accidents, that we are justified in speaking of a ‘ normal ’ time-distribution of output and of accidents, or considered inversely, accident-immunity. The shape of the output and accident-immunity curves for a five-hour spell may for purposes of illustration be summarized as follows :

HOUR OF SPELL	OUTPUT	ACCIDENT IMMUNITY
1st . . .	small	very great
2nd . . .	very great	great
3rd . . .	great	fair
4th . . .	fair	<sup>1</sup> small
5th . . .	<sup>1</sup> small	fair

“ In seeking an explanation of this ‘ normal ’ time-distribution of the accident rate and the output in a spell of manufacturing work, let us concentrate on the illustrative table. Here we find four similar degrees ; very great, great, fair, and small, succeeding one another in both the output and the accident-immunity column, though earlier in the spell with accidents than with output. Now both output and accident immunity vary inversely to fatigue ; these four decreasing degrees, therefore, may well be measuring an increase in fatigue.

“ The only other possible cause that could by itself explain the rise in the accidents, at any rate, during the morning and afternoon, is the drinking of alcohol before starting the spell. This explanation has

<sup>1</sup> Where there are only four hours in the spell, strike out the last output, but the fourth accident hour.

been advanced by the Temperance Scientific Federation of Boston, and taken up by certain employers. To prove this contention, however, it would have to be shown firstly that the most debilitating effect of alcohol on control occurs just about four hours after its drinking, and not earlier or later, and secondly that such alcohol drinking is a regular habit among the workers.

“The first point is far from established either scientifically or from every-day—but not necessarily personal—experience. All that we can say for certain is that if alcohol is taken at all in large quantities, the attention and muscular control that avoids accidents is lost immediately, and in the first hour.

“The second point can certainly not be established at all in some of our records. The women cotton-spinners, the picked men workers at Hans Renolds’, at the Cadillac Company, at the National Cash Register Company, and the girls at Jacob’s and Cadbury’s and the Denison Manufacturing Company are all certainly not drinkers, yet all of them show the same accident ‘curve’ as other and possibly hard-drinking employees.”<sup>1</sup>

Were alcohol suddenly removed from the world, want and misery would unquestionably grow less in numberless instances; but the day dreams of prohi-

<sup>1</sup> *The question of Fatigue from the Economic Standpoint.* Interim Report of the Committee drawn up by Mr. P. Sargant Florence for the British Association for the Advancement of Science, 1915, pp. 21-30.

bitionists would not be fulfilled. We should still have with us the incompetent, the ne'er-do-well, the physically and mentally undersized or sick who are unable to get a strong foothold as workers. Above all, industrial stability and the payment of a living wage are not by-products of prohibition. One might wish that instead of holding out ideal promises, the advocates of sumptuary law would expend a little more energy and wisdom in seeking to better the conditions of living which tend to perpetuate intemperance, for the roots of the desire for a "grief-breaker" (*Sorgenbrecher*) are deep and many.

## VIII

## ALCOHOL AND CRIME

The assurance with which intemperance is held responsible for the mass of criminality has at any rate the merit of being quite natural. When an offense is committed in a state of intoxication or by an habitual user of strong drink, the causal relations seem unmistakable, even inevitable, no matter how infinitely complicated the problem appears to the criminologist. The many men and women who populate our minor penal institutions on account of habitual drunkenness may be dismissed briefly. An unintelligent community may persist in regarding public intoxication as a crime and punish it accordingly; alienists have shown that the greater proportion of habitual inebriates of this class are congenitally de-

fective, and that drink is but a symptom of their pitiful state. But they figure heavily in our prison returns, and provide the less conscientious reformer with a plausible reason for incontinent speech.

Dr. R. W. Branthwaite, Inspector of Retreats and Reformatories under the English Inebriate Acts, says in one of his official reports:

“Sixty per cent at least of the inmates of the certified Inebriate Homes show defective mental capacity, but only about two per cent are suffering from insanity or acute mental diseases; the others have been defective all their lives.”

In the English inebriate reformatories to which persons are admitted who have a previous prison record, the proportion of congenital mental defect is much higher. In another place Dr. Branthwaite says: “Even the most mentally sound amongst them (the inebriates) are not normal persons; the evidences of peculiarity are too definite to be ignored, although its character is difficult to define, and its location obscure. If this be so, it follows that the inebriate is not primarily vicious or criminal, but primarily abnormal, and only secondarily anti-social. Most of the offenses he commits are of passive nature due rather to impaired reason than to wilful intention, or to imperfect control—the result of a drunkenness he partially, or perhaps wholly, is unable to avoid.”

Also in case of well-defined criminality, it seems easy to fix a relation between it and alcohol, pro-



vided we are willing to accept the personal statements of offenders at their face value. It is characteristic of humanity generally, and particularly of the criminal, to offer excuses for wrong-doing; and when questioned about his drink habits he eagerly offers them as a palliating explanation of his offense. Thus it happened not long ago that more than a thousand convicts in the Eastern Penitentiary of Philadelphia declared drink to have precipitated their downfall, and solemnly petitioned for the enactment of national prohibition! The affair would not deserve serious mention except as a sample of the evidence offered, and doubtless accepted by many, as proof of the intimacy between drink and criminality.

Unfortunately, most of the current statistical material both in this country and abroad from which are drawn sweeping generalizations about alcohol as a crime factor, is derived from personal (more rarely parental) histories as told by the offenders themselves. Until within recent times, evidence of this kind had the excuse that none more trustworthy was available. Modern psychopathic diagnosis, however, reveals, as we shall presently see, so large a proportion of sub-normal individuals in our prison populations, that the old methods of establishing causative crime relations are rendered obsolete. Yet institutions continue to catalogue their inmates according to alcohol habits as described by themselves, and sometimes reduce these to percentages for the instruc-

tion of a public incapable of discriminating the truth. In some states it is prescribed by law that prisoners shall be classified according to their drink propensities. The purpose is self-evidently to furnish proof that drink is the mainspring of criminality; and so successfully has this doctrine been dinned into the popular ear that most men accept it unhesitatingly.

Many crimes are known to be committed by persons while intoxicated or because they are intoxicated, especially those against the person. But the majority of crimes are offenses against property, which for their success require other habits than those of the confirmed drunkard. Those who prey upon society as gangsters, burglars, pickpockets, and gunmen are far more likely to be drug fiends than alcoholics. Police annals abundantly testify to this, as does the experience of those who are set as guardians over convicts. These are commonplace and rather superficial observations.

Two circumstances refute the popular view of the intimate causal relation between alcohol and criminality. One is that thousands are annually committed to reformatory institutions at so tender or youthful an age that the drink habit, if indulged in at all, cannot yet have become fixed. At most there might be a question, in such cases, of parental alcoholism, which by affecting the moral as well as the mental and physical stamina of the children may predispose them to a criminal career. At this point, however,

the evidence conflicts with the second circumstance; namely, that the young delinquents, particularly those of our greatest centers of population, are extensively recruited from two races, the Hebrew and Italian, which are acknowledged to be among the least alcoholized in the world.

The other circumstance is that recent psychopathic diagnoses disclose criminals to us as beings whose habits and conduct are not susceptible of measurement by normal standards, because they themselves are subnormal. The presence among both juvenile and adult criminals of very many who are feeble-minded has been established beyond peradventure for some years. One may be dubious about the extraordinarily high percentages of such abnormal individuals found by certain investigators, and refuse to accept extreme conclusions. Yet there is indubitable proof of the existence of a multitude of offenders who may be addicted to drink, but in whom the habit signalizes an abnormality, perhaps a constitutional defect, and is not the cause of a more or less irresponsible criminality. How far in these instances parental alcoholism affords an explanatory moment is largely unknown. The outstanding fact is that our penal institutions, and particularly the houses of correction, are populated by uncounted thousands whose alcoholic habits are but an expression of a deviation from normal conduct, the real cause of which is to be sought in the unfortunate physical and mental make-up of the individual. A

competent psychopathic diagnosis of the prison population yields a classification in such contrast to the conception of those who would refer most criminality to an alcoholic origin, that an example or two must be given:

In a recent survey of the Massachusetts Reformatory for Males, Dr. Guy G. Fernald found that of 654 inmates, but 42 per cent could be regarded as normal, and of this number only 14, or 2.1 per cent of the total, are classified as alcoholic. Among the deviates there were 61 alcohol degenerates, 9.3 per cent of the whole number of inmates, but how many of them had become such through the abuse of alcohol, or in how many drunkenness was but a symptom of a congenital defect, is not known. The morons, feeble-minded, and subnormal psychopathics, not to mention other groups of deviates, outnumbered three to one those whose condition appeared related to alcohol.

An examination of the 738 inmates of the Massachusetts Reformatory for Women, conducted by the same methods, showed 42 per cent to be normal, and 72, or 9.7 per cent of the whole population, are represented as alcoholic. Among the subnormal inmates 95 are classified as alcoholic degenerates, or 12.8 per cent of the entire population. The morons, feeble-minded, subnormal psychopathics and epileptics, not counting other groups that depart from the normal, number 289, or 39.4 per cent of the total.

The two Massachusetts prisons do not house a

population materially different from that found in penal institutions generally; but the picture they present of conditions that make for crime is in startling contrast to the popular one, and points unmistakably to the subordinate rôle played by alcohol as a causative factor in responsible criminality. Because the earlier investigators were ignorant of the great extent to which the criminal population consists of mentally deficient or other subnormal groups, they failed grievously in the effort to gauge the causes of criminality, particularly the part played in it by drink. We may reasonably believe that if alcoholism should disappear there would be less crime in the world; how much less, no one can say. So far from knowing the exact proportion in which drink is responsible for crime, we are still confronted by the question: Assuming that alcohol had never existed, how many and which of the criminal acts perpetrated during a given period would not have been committed?

In the present heated state of public opinion about the drink situation, he who attempts to differentiate the chaff of exaggeration from the known truth, in writing of its social aspects, must expect to be stigmatized as an advocate of drink. To the open-minded, however, the basic consideration is not how one may apportion the precise percentages of injury done directly or indirectly by drink,—the evil is patent enough,—but rather to learn by what means it most surely can be abated. And they will realize

that to fashion safeguards to meet supposed social conditions not in consonance with the facts, is to court an unavoidable disappointment which can serve only to make the path of reform more difficult.

## IX

### THE EXTENT OF INEBRIETY

It is unfortunate that temperance reformers should regard our circle of knowledge about the alcohol question as having been completed. While this frame of mind prevails, necessary and important investigations are not likely to be undertaken; and there is still so much left undone. Although more or less properly assorted evidence is massed to show the evil results of alcoholism, no attempt has been made to measure its probable extent. We do not know approximately the number of inebriates within any given locality, large or small, rural or urban, much less within a whole state. Yet reliable information about the numbers who become victims of the drink habit would not only reveal its relative importance as a social problem but help us to understand the efficacy of preventive and corrective efforts.

To depend upon the customary statistical evidence purporting to define intemperance as a principal factor in most of our social ailments is to ask one to accept assertion for fact. Just as untrustworthy is the proof adduced from arrests for drunkenness. Ordinarily, statistics of arrest do not discriminate

between true inebriates and accidental offenders, and even leave us in doubt about the actual number of individuals concerned, since the same persons may figure many times. As an index of sobriety in any community over a period of years these statistics are for the most part worthless, being collected under varying standards of law enforcement and amid shifting public ideals in regard to the treatment of persons guilty of public intoxication. If inferences from statistics of arrests concerning the state of sobriety in a single locality are open to much question, a comparison between localities on the same basis is misleading. Hardly two states in the Union operate under the same "drunk" laws. The composition of the populations varies markedly in different localities, as do also public toleration of visible intoxication. Thus in one particular city, arrests for this offense may be comparatively few, while in another, because of an insistent public demand that all drunken persons be removed from the highways, arrests may reach abnormal proportions without in the least indicating the actual extent of inebriety.

In a few European countries some attempt has been made to find out the probable number of inebriate persons. Dr. R. H. Branthwaite, Inspector of Retreats and Reformatories in England, has given the subject attention. He says in a recent official report, "All that is known with any approach to certainty regarding private non-criminal inebriates

is that somewhere about four thousand persons resident in England and Wales have submitted themselves to treatment in licensed or unlicensed homes, or have endeavored to find relief by resort to some of the best-known cures during the last three years." He finds, however, that owing to the conditions that govern admissions to institutions and for financial or other reasons, it is unlikely that this figure reaches more than a quarter of those who are qualified for treatment. Most of the managers of retreats and homes for inebriates of all kinds maintain that not more than one out of every ten or twelve persons who apply for particulars are subsequently admitted. "Accepting the first suggestion as more probably correct and as more likely to under-state than over-state the case, a round figure of about sixteen thousand is obtained, which is as close an estimate as circumstances permit."

Turning to the question of the lower-class inebriates, who commit offenses as the result of their habits and are constantly in and out of prison in consequence, Dr. Branthwaite thinks that there are probably about thirty-two thousand of this class to be found in England and Wales, and he concludes: "This seems to indicate roughly that there are about forty-eight thousand inebriates of all classes in England and Wales at the present time (1912), or about 1.42 per one thousand of population, of which number about sixteen thousand are persons in private life—whose habits have not led to convictions in



police courts—and thirty-two thousand known to have criminal or disorderly tendencies. Dealing in round figures, this means in relation to total population approximately five per one thousand of the former and one per one thousand of the latter.”

Director N. Rygg, of the Central Statistical Bureau of Norway, has recently made an attempt to estimate the number of habitual drunkards in his country. He took as his material the medical certificates of death for 1911, and on the basis of the number of alcoholics among the persons who had died during the year, he endeavored to determine conditions among the living population, self-evidently presupposing a higher mortality among the alcoholics than in the general population. Of course this is a somewhat insecure method, as definite data are lacking for Norway. However, he arrived at the conclusion that in the whole country there were in 1910 14,900 alcoholics, or 2.5 per cent of the men over 20 years of age, and 1,300 alcoholics among women, or 0.2 per cent of those over 20 years of age. Naturally, conditions were found more favorable in the country districts than in the cities.

The above calculations, although they are but experimental and cannot be regarded as authoritative, are significant of what may be done in this field, and raise the question whether current ideas about the extent of actual alcoholism, meaning thereby confirmed inebriates, are not more or less exaggerated. If we should apply to this country the ratio of in-

ebriates to general population estimated for England and Wales by Dr. Branthwaite, the number would be approximately 140,000, which is likely to be a considerable over-estimate in view of a smaller consumption of alcohol, and its practical exclusion from vast tracts of rural territory, not to mention the many prohibition cities.

## X

## THE UNKNOWN FACTORS IN ALCOHOLISM

In its eagerness to delimit the social injury wrought by alcoholism, even the so-called scientific temperance literature has paid the scantiest heed to the factors responsible for this malady, or has satisfied itself with wholly superficial indications. Therefore its plea for remedial measures lacks a reasonable fact basis, resting, as it does, on the theory that personal habits, no matter what their origin, can be eradicated by law. The earlier temperance agitations were too definitely of a religio-ethical character to be concerned with the question of causative factors.

During the last decade or two, attention has become fixed upon the factor in alcoholism nearest at hand, namely, the alcohol itself, and in its nature and action on the human organism an explanation has been sought of the manifestations which need correction. Attempts to find out why most persons use intoxicating drinks without injury to themselves or society, while others abuse it with the most lam-

entable consequences have been sparse indeed, and have awakened but a passing interest.

Alcohol is commonly depicted as one of the most insidious and dangerous poisons against which no one is safe. Those who accept this view naturally hold up to scorn the moderate drinkers as incurring the greatest responsibility for the ills others bring upon themselves as well as for failures to enact sumptuary law. It is thus plausible if deplorable that the factors of a social or individual character which serve to generate an abuse of alcohol should have been ignored and that so little effort is made to awaken a sense of personal accountability for the use of intoxicants.

Of course the inherent difficulty of establishing the causative factors in cases of alcoholism must not be minimized. The springs of human action in a definite case cannot be laid bare without a thorough knowledge of the individual concerned, of the environment in which he lives and of his actions for which a psychological explanation is sought. Frequently we must content ourselves with probabilities. In dealing with groups of persons living under like conditions, it is easier to account for impelling motives as one may then look aside from individual peculiarities. Yet in order to understand the many it is imperative to begin with the individual. Only by probing deeply into many individual cases, by viewing them, so to speak, within themselves, by seeking to understand their actions, by being keenly alive to the

deviations from social prescriptions that are conditioned through individual circumstances, is it possible to accumulate evidence wherewith to determine the factors in similar actions attributable to natural divisions of social groups.

To get close to the causative factors which lead many to a socially detrimental use of alcohol, it is obviously necessary, in the first place, to deal with numbers of alcoholics who have been selected without prejudice and then try to penetrate their lives in the most intimate manner, to reconstruct, as it were, a picture of their earlier development and to gain a clear perception of the actual conditions under which they live, their habits, customs, and the point of view of their environment. To limit the study to the drink habits of the individual is not sufficient and may not even be desirable. When thus it is made possible to establish the driving force which the abuse of alcohol has developed under stated conditions, it remains to ascertain a great many circumstances that have operated as contributory factors and which, in turn, are conditioned by other circumstances whose causative chain is unending.

A purely scientific study of the factors in alcoholism which ignores the practical side will not lead to progress. Proper emphasis must therefore be placed on factors that are not only important in themselves, but of a kind that yield to control within a reasonable length of time. The factors nearest at hand are not necessarily the most significant, for

they may be far too complex to be clearly differentiated. Frequently, a study of more remote conditions is necessary in order to gain a point of attack.

We are accustomed to hear city life, with its many temptations, its false impressions, its bad housing, and unsuitable economic conditions, spoken of as a prolific factor in alcoholism. But how can the cityward movement of population, one of the most marked cultural trends of the present day, be retarded? Surely it defies regulation, and least of all can it be made the object of special solicitude in temperance reform. Wholesome influences can be brought to bear upon certain phases of the crowded city existence, but to be effective they must create conditions making for temperance, and every specific measure taken must aim only at advantages that are commensurate with the sacrifices demanded of society. In short, all rational social efforts for reform cannot help affecting favorably the anti-social consequences which flow from alcoholism.

From pulpit and lecture platform we are told that many persons become notorious alcoholics through lack of moral perception, a defective sense of responsibility, an uncontrolled desire for pleasure, and the like. But it is not helpful to point out these things as factors, for they refer to conditions that are not susceptible of regulation by legislative expedients. The purpose should rather be to get back of such conditions and their consequences, to make the object of study only to seek out their roots so that

a vantage point may be gained permitting an inquiry into the causative relations to be carried on, and to reach natural conclusions.

Frequently it is necessary to consider purely negative factors. It is not only the presence of obvious bad conditions, but the lack of actively favorable forces that leads persons to abuse drink. Success in combating intemperance cannot be attained simply by exterminating defective social conditions, since the creation of new conditions is needed to fill the voids which would make themselves painfully felt were the opportunity to get alcohol seriously curtailed.

In attempting a psychopathic diagnosis for the purpose of determining why an individual abuses alcohol, a very special difficulty is encountered. It must be ascertained whether the drink habit was superinduced by outward conditions (unfortunate impressions received during childhood and youth, the actual environment, occupation, social customs and relations, and imperfect regulations governing the sale of alcohol); or whether it expresses an individual peculiarity or defect, that is, an inherited psychopathic condition. To put it differently, the question is of a possible deviation from psychopathic normality of such a nature and so pronounced that it may have a determinative influence on the power to resist the temptation to drink or on the reaction to alcohol.

Just what constitutes psychopathic normality

cannot be defined with exactness. In the effort to determine it as well as in other psycho-analytical inquiries, the tendency is to pay heed only to actual prominent or important qualities which from their very nature or because of early origin, cannot be explained as being due simply to environment and thus clearly reveal their endogenous character. To differentiate psychopathic peculiarities is particularly difficult in the case of chronic alcoholics. Often reliable information cannot be obtained about their early development, the influences under which they grew up, and the history of their parents and their relatives. By so much it becomes the harder to learn whether the defect in question is of a moral or intellectual character, to be considered as the result or as a cause of the abuse of alcohol. When not under the immediate influence of drink, most chronic alcoholics are not quite such normally and intellectually lost beings as their miserable life would lead one to suppose. It is possible to question them closely and successfully in regard to themselves. Frequently, too, the alcohol itself helps out by disclosing qualities whose endogenous character is patent, for instance, in the case of an evident pathological reaction to alcohol.

Indications of degeneracy in alcoholics must be carefully traced, also, because the usual measures taken with such persons are rarely effective. Alcoholic degenerates need in many instances to be placed under special and continued care. To fill our prisons

with such individuals as has been done is simply inhuman.

The methods hitherto employed are ill adapted to show how far alcohol is one of the most dangerous foes to the workingman in economic as well as in moral and intellectual respects; reformers simply take it for granted. Nor do they yield a full and vivid insight into its importance as a factor in the deterioration of social customs and standards, poverty, etc.

Above all it is needful to clear up the inner factors that make for an abuse of alcohol, for the rôle played by excessive drink in society at large is not merely that of a cause of misery but very frequently that of a consequence of misery; in other words, intemperance may express a glaring defect both in the individual and in the conditions of society generally.

To sum up, there is great need of intensive investigations following individual as well as social lines. We must learn more about the drink habits of society and chart the conditions of living in which all individuals entering into the investigations are found, within certain natural boundaries, for instance, neighborhoods alike as to environmental factors in one or more quarters of a city, in different occupations and callings. Then a selection must be made of individuals about whom information is to be sought, whose mode of life must be followed for a certain length of time, and whose early histories must be reconstructed in order to gain insight into their present life. We must obtain cross-sections of society within



well-defined limits, and longitudinal sections of individual lives that are especially characteristic. Both methods of study complement each other, supply a knowledge of actual conditions not to be gained in any other way, and yield a live statistical material which at the outset might not be very extensive, but would go to the roots.

## CHAPTER II

# DRINK REFORM IN THE UNITED STATES

### I

#### HISTORICAL

ARE we about to become an alcohol-free nation? Or must the long struggle against intemperance continue until mankind has reached a state of development in which its present weaknesses have been turned into strength? There is no lack of loud trumpeting in anticipation of an early and final victory over the alcohol enemy. The confident predictions impress the uninformed to the point of belief. More cautious observers are perplexed, while others rush into the fight for their own ends. The attitude of a very large portion of the public toward the present stage of drink reform in this country is one of drift, more or less marked by uneasy forebodings. Too many lack the bearings to be gained from the history of the temperance movement in its various stages, without which the present trend of things cannot be understood nor can any reasonable forecast be made for the future.

Moral suasion was the sole reliance of the temperance reform in its earliest manifestations. To

create and sustain a desire for personal abstinence was the great aim. About a century ago enthusiasm for this virtue surged like a wave over much of the land. But when its force seemed about to wane, there crept into the minds of some men the belief that to pillory the drinker was not enough so long as the purveyor of drink remained unscathed. Then arose a demand for force where suasion appeared to fail, and the idea took root of compelling temperance by prohibiting the manufacture and sale of all intoxicants. This idea found its first full-fledged expression in the State of Maine about 1850. Many advocates of abstinence deprecated this recourse to the "strong arm of the law"; but they were given a scant and hardly courteous hearing. And there was need of law, for the saloon, supplanting the old-time tavern, had in many places become a menacing institution. Gradually the battle for temperance shifted from the drinker to the drink-seller and those behind him. Old-style temperance revivals continued for many a year, to be sure, but the suppression of the saloon as the ultimate source of the drink evil became the vital issue. Within the decade of 1850-1860 twelve states followed the example of Maine and enacted prohibition,<sup>1</sup> and in the next twenty years (1860-1880) Kansas and Rhode Island, and by 1890 the Dakotas, were added to those twelve. Thus in

<sup>1</sup> Illinois, Massachusetts, Rhode Island, Vermont, Connecticut, Delaware, Indiana, Iowa, Michigan, Nebraska, New Hampshire, and New York.

the space of forty years no less than seventeen commonwealths embraced the prohibition faith.

During the prohibition campaigns of the earlier periods, as now, the anti-saloon feeling was the main-spring of the agitation. In this detached students of the history of the prohibition movement concur without dissent. We commonly speak of the American saloon as the offspring of rough pioneer conditions, and such it was more or less. Whether one looked to large urban communities or to the sparsely settled new states, the saloon not only had become a center of inebriety and affiliated vices but had reached corruptingly into political life. How far the deterioration of the saloon and its consequent excesses resulted from its being a proscribed institution which it was sought to control by crude repressive measures, will be discussed elsewhere. Here it is sufficient to remark that since the advent of the prohibition theory the keynote of American temperance reform has always been warfare against the saloon, not constructive effort.

The legal measures for controlling the drink traffic were of the crudest sort—poor makeshifts, the results of political compromise rather than of statesmanship. But in training the heaviest fire so exclusively at the drink-seller, the appeal for personal abstinence became dangerously subordinated in the temperance campaigns. Earnest men and women bewailed this trend but were powerless to stop it. Yet to this blind reliance upon mere law to effect a

moral change in the individual, we may trace the undoing of many a seemingly promising prohibition victory, won at great cost. Until this day the idea persists that once the outlawry of drink-selling has legally proclaimed a state of sobriety must follow automatically, and the attempts to induce temperance naturally slacken if they do not cease altogether, or find expression in demands for the enforcement of the law.

Of the seventeen states which between 1850 and 1890 had given their allegiance to prohibition, only three (Maine, Kansas, and North Dakota) have clung to it steadfastly until this day. We need not concern ourselves here with the history of the various enactments and repeals. The short life permitted prohibition in a number of states and their failure to renew the experiment after a test are, however, sufficient evidence that the majorities behind the law were more or less of a fictitious character, or that the benefits promised did not materialize. It can hardly be objected that most states which have repealed prohibition failed to give it a fair trial. Massachusetts had about twenty years' experience with it; Vermont and New Hampshire, many more; Connecticut had eighteen years; Michigan, twenty; and Illinois, Delaware, Indiana, and Nebraska, shorter periods, but long enough for a demonstration. Two states may be said to have compromised with their consciences. Iowa, after a long test of prohibition, grew content to "mulct" liquor dealers, a method

which was distinctly contrary to the spirit if not to the letter of the fundamental law of the state. Ohio, although never formally enacting prohibition, provided by a constitutional enactment of 1851 that no licenses to traffic in intoxicating liquors should thereafter be granted. This was intended as a species of prohibition, but a compromise was found in the so-called tax law which prevailed until very recent times. Meanwhile, the states that continued to uphold prohibition did so largely in name. Spasms of enforcement alternated with periods of open violations of the law.

Yet the struggle of these thirty years had by no means been barren. In spite of obvious failures of prohibition exemplified by repeals of the law, laxity of enforcement, and other troubles, the temperance movement up to this period, aside from any influence on individual lives, had one great achievement to its credit: men began to realize as never before the political as well as social perils of an uncurbed liquor traffic. A return to the conditions which preceded was unthinkable. One result of the search for some constructive remedy was the high-license law of Nebraska, enacted in 1881, which automatically reduced the number of licensed places and thus was expected to secure better control. This device was eagerly adopted by a certain class of reformers, and variously expanded, for instance by the statutory limitation of the number of saloons and a host of minor restrictive measures, it has remained the

foundation stone of those laborious structures, the modern license laws.

But a far more important and valuable heritage of the earlier temperance movement was the status secured for the principle of local option. While local prohibition was applied both in Europe and the United States prior to the state-wide experiment of Maine, the distinction of legally recognizing the principle that the local community has the right to license or veto the drink traffic belongs to this country.

For more than a decade subsequent to 1890 the usually troubled waters of temperance reform remained comparatively unruffled. The prohibition propaganda had perceptibly weakened, notwithstanding the advent of the prohibitionists as a political party. Meanwhile, much new liquor legislation crept into the statute books, though for the greater part of a trivial nature except as it afforded the local-option principle freer play. There was, however, one notable departure from the routine temperance propaganda. The State of South Carolina established its dispensary system, whereby the state assumed supreme control of drink-selling for public account. In time this experiment, now practically abandoned, became the entering wedge which eventually rent the solidarity of the liquor traffic in the Southern states. The dispensary system was copied locally by Georgia, Alabama, and North Carolina, and bade fair to spread widely. Meanwhile the seemingly

dormant prohibition forces had slowly gathered new strength. In the Northern and Western states the responses to their pleas had become fitful and of less promise. But the South was now ready to lend a willing ear. Several circumstances combined to make it so. The saloons, purveyors of distilled spirits almost exclusively, had grown notoriously lawless; drunkenness was rampant, and behind all loomed the specter, partly imagined, partly real, of danger from the uncontrolled elements among the Negroes. The dominant religious forces of the South, peculiarly fitted to be a vehicle for temperance propaganda, lent their full strength to the movement against the saloon. Perhaps more important still, there had come into being an organized force, manned by professional temperance reformers, who took command of the fighting line,—namely, the so-called Anti-Saloon League. Victories soon came apace. In the space of a few years Oklahoma, Georgia, Alabama, North Carolina, Tennessee, and Mississippi outlawed the manufacture and sale of intoxicants. Alabama later recanted her faith for a time, but has once more turned to prohibition.

The wash of the rising prohibition wave soon reached beyond the South. There the ground for prohibition had been sedulously prepared by a liberal application of the local-option principle. The *modus operandi* was unconcealed and simple: first, to lay "dry" as much territory as possible by local veto and then to follow up with state-wide prohibition.



This method of working toward state-wide prohibition by means of county-option laws has been pushed vigorously and in some places with notable success.

Of course, as will be more fully noted later on, it results in a prostitution of the principle of local option, which was not originally intended as a device for gaining political ascendancy, but as a means to obtain an unhampered expression of the public will in regard to the manner of dealing with the liquor traffic.

Long ago national prohibition could be discerned as the ultimate aim of the extreme and commanding element of the temperance forces. But now it has become the issue; it has indeed entered into all the campaigns of the last few years. Still, it would be hasty to declare that this issue was the decisive factor in the most recent victories for prohibition, which have brought to its ranks the states of Arizona, Colorado, Oregon, Washington, Virginia,<sup>1</sup> West Virginia, Iowa, Arkansas, Idaho, and South Carolina. In the four states first mentioned the votes of women proved a material aid to prohibition, and in one or two of them the Socialist party seized the opportunity to revenge itself politically on certain liquor interests. In South Carolina, the issue, under law, lay between a retention of the dispensary system, which obtained in but few of the counties, and the adoption of state-wide prohibition; nearly all the counties had been laid dry under local option. Virginia, and to some extent

<sup>1</sup> Becomes effective in the Fall of 1916.

West Virginia, emphasized the race question in the prohibition campaigns. Practically all the large urban places in these states returned majorities favorable to license; the rural vote, therefore, won the day, and it must be regarded as on the whole expressing a vivid resentment against the saloon which is not quite analogous to a desire for general abstinence. Especially in case of the southern states prohibition appears to be enacted for the benefit of "niggers and white trash."

The most recent prohibition laws are far more drastic than their prototypes, not only in respect to measures for the prevention of illegal selling and penalties but in respect to the privileges of importing drink for personal use. Formerly the home use of intoxicants was not subject to statutory regulation provided the supplies came from without the state. Now the laws ordain minutely the quantity which may be imported for personal consumption within a specified time, and official authority must be secured by the buyer. In effect, this amounts to a crude method of licensing individuals.

## II

### PRESENT CONDITIONS

Such, in broad outline, is the history of the temperance movement in the United States so far as it is reflected in legislation. Of its minor manifestations—the campaign for compulsory temperance teach-

ing, the innumerable restrictive enactments whereby it has been sought to curb excesses of the licensed traffic or to enforce prohibition—there is not space to write. When it is asked what has been the actual gain for temperance from the ceaseless agitation, exhortation, and forced legislation, an adequate answer is far from being simple. On turning to the Year Books of the Anti-Saloon League or of the Prohibitionists, we find the case blandly set forth thus: "So many states brought under prohibition rule; so many square miles of 'dry' territory in license states; and so many million inhabitants living in areas from which the saloon has been banished," and so forth. Such superficial, if pretentious, evidence is unsatisfactory and hardly merits analysis. One need not rehearse the oft-told sordid tale of persistent, gross violations of prohibition law enduring in some states from one generation to another; nor point to the vast populations nominally living in "dry" territory but having abundant facilities for obtaining intoxicants. Over against the extravagant claims that more than half of the population of the United States has for several years experienced the blessings of prohibition in some form, stand the irrefutable official figures of the production of alcoholic liquors. By successive stages the output of spirits, beer, and wine has risen almost without a halt, and more than kept pace with the growth of population, as shown in the following statement in round numbers:

## DRINK REFORM

YEARS	SPIRITS WITHDRAWN	
	FOR CONSUMPTION (MILLION GALLONS)	PRODUCTION OF BEER (MILLION BARRELS)
1900	93	39
1905	115	49
1910	126	59
1914	136	66

What the actual *per capita* consumption is in this country no one can tell. To measure it by the total number of inhabitants, with no allowance for non-drinkers,—abstainers, children, rural communities, and so forth,—is not only ignorant but absurd as a test of the status of temperance. There is, however, one undeniable inference which must be drawn from the official statistics: the steady upward movement in the production of intoxicants could not have taken place during these years had both state and local prohibition been truly effective. With more than one-half of the people alleged to live in dry territory, one would logically expect consumption to be reduced, or at least to fall behind the growth in population; but the contrary has happened, leaving entirely aside the increase in illicit distillation and the growing use of alcoholic home brews. Common sense, no less than experience, discards the explanation that the unquestioned increase in consumption is attributable to the license states alone. It is even less creditable to blame the influx of immigrants, especially when one recalls that those of recent years belong largely to the abstemious races of Europe.

It must not be understood, however, that the consumption of spirits referred to above rose steadily

from early times until the present. On the contrary, the official revenue statistics show clearly that in the early history of this country the relative consumption of spirits was much greater than the present. A decrease set in about 1860 and continued steadily until 1896. After that a continuous rise took place, which by 1906 about doubled the visible consumption of spirits. This was not a fortuitous happening, but coincided with the large acquisition of dry territory between 1896 and 1906. The demand for intoxicants showed no signs of diminishing in consequence, but it could not be supplied by malt beverages, which are not manufactured within dry territory (there are no moonshine breweries), and which are too bulky as a rule to be welcomed by the illicit trade. The rise in the consumption of spirits since 1896 is thus one of the results of local and state prohibition, for prior to that year the population living under actual or nominal prohibition was not large enough materially to affect the consumption of intoxicants.

It may be asked what has caused also the steady rise in the production of beer. The gradual substitution of malt for distilled liquors in popular taste accounts for it in part; but the largest factor has probably been the great influx of European immigrants. The earlier arrivals were generally accustomed to beer drinking in their home lands, and those of later dates from wine-drinking countries resort to beer in the United States, notably the Italians,

Hungarians, and Greeks. In other words, each year there were more people who drank beer. The cessation of immigration on account of the Great War and the recent departure of many of the later arrivals coincide with the slump in the production of malt liquors at the present time. Other causes have been business depression and the addition of so many prohibition states.

Fortunately the claims for temperance reform rest on a more solid basis than the one commonly vaunted. In the face of the larger and more widely distributed use of alcoholic beverages, particularly of beer, one may confidently assert of our country as a whole,—

(1) That there is a growing tendency toward personal moderation and practical abstinence, partly as a result of a keener appreciation of the evils of alcoholism and partly as a result of the amelioration of social standards and habits.

(2) That the public attitude toward intemperance has undergone profound changes which are reflected in social intercourse, in the demands of transportation and commerce and industries, and more and more in legislation against inebriety.

(3) That the temper of our people as a whole does not support the saloon of to-day as a desirable institution; many who vote against prohibition contend that the saloon must be removed from the country villages and cross-roads, and they find support even within the "trade" itself.

The persistent intemperance that pervaded all

classes of the population a few generations back has been sufficiently documented. Society now frowns upon drink customs which were then taken as a matter of course. No one who observed popular habits on our various frontiers within memory of the middle-aged, and who has revisited them, can have failed to note the transformation wrought in modes of living marked by a gradually diminished abuse of alcohol, whether the communities happened to be under prohibition or under license laws. In particular do the changes for the better in some rural places stand out; but their counterparts in urban life are not wanting. To deny this would be to deny all that observation and experience teaches and to belittle progress in a hundred directions.

Contrasting these conditions with those of two or three decades ago, we note a measurable progress toward sobriety and cleaner living.

To whom belongs the credit? Doubtless much, very much, is due the general temperance propaganda, which, however, is by no means synonymous with the battle for prohibition. To lay dry so much territory legally is not necessarily to be counted as an achievement for temperance reform when intemperance remains as rampant as under license, and the illicit traffic gains a hold on the community quite as dangerous as that of legalized traffic. To attribute the advance wholly to a movement which finds its chief expression in denouncing the iniquities of the purveyor of intoxicants and in preaching an ideal

nowhere obtained,—an ideal to be gained by force where persuasion fails,—is to deny the potency of other forces making for betterment: religion, education, the demands of industry and commerce, better conditions of living, and so on. And surely these forces are quite as markedly active in license as in no-license communities. If it be given no man to appportion accurately the effect of the manifold factors that contribute to more sober living, one can at least point out the grievous error of ascribing it entirely to a single factor.

However gratefully we must acknowledge improvements, we should not be content with the present state of temperance reform. Usually high planes of living are reached by many a faltering step; but we are told now that temperance will become an inevitable virtue by the simple means of national prohibition. The vociferous clamor for it is a logical outgrowth of the temperance movement under its present generalship, yet it compels the admission openly made by a few of its candid adherents that state-wide prohibition has not fulfilled the rosy expectations of its sponsors. The superficial reasons for this lie at hand. In defiance of "ironclad" statutes, federal regulations concerning interstate shipments, the limitation of quantities that may be imported for private use, the fidelity in policing, and so forth, intoxicants have always found their way into forbidden territories in sufficient quantity to frustrate the object of prohibition completely, or in greater part,



through illicit sales. For confirmation one need but turn to the sinister figures published annually by the United States Commissioner of Internal Revenue, of the persons who pay the federal tax as liquor-dealers in prohibition states—let alone the numbers who avoid such risk—and of the immense growth of illicit distillation which the Federal government seems unable to check, and which, according to official testimony, has been a concomitant to the enactment of prohibition in so large a portion of the South.

At times and in places a periodic degree of success attends enforcement. Kansas has recently demonstrated this after failures extending over thirty years, although the claim that the state actually has been dry since 1912 lacks verification.

West Virginia just now is making its first effort to the same end. One lesson has come home from the bitter warfare,—namely, that liquor-selling can be effectually suppressed in rural districts and small urban communities—and this quite independently of the state-wide law—by means of local option. Indeed, long before the principle of local option became incorporated into the law, the sale of liquor was excluded from large areas, for instance, in Massachusetts, by the simple expedient of denying license privileges. There can be no argument about the superfluity of the country drink place, as it does not meet any irrepressible demand.

But even in the happier instances of prohibition the willingness to exclude the saloon is largely condi-

tioned by the opportunity to secure liquor for private use. In truth, nowhere and at no time has absolute prohibition been exemplified in this country; and to assume that with every opportunity to obtain intoxicants cut off, people would so light-mindedly vote for prohibition, is to flout the fact that human nature is essentially the same the country over.

In forecasting the possibilities of absolute prohibition, the committee of the Swedish Medical Society officially deputed to study the question (1912) simply dismisses the American prohibition experiments as wholly inconclusive and therefore valueless as a guidance to other countries. Indeed, impartial and authoritative observers from abroad, like Messrs. Rowntree and Sherwell, Professor Axel Holst, and many others, have been impressed throughout their personal investigations chiefly by the extent to which prohibition is being violated and circumvented.

How the situation impresses an impartial foreign observer is told in the following extract from the official report of Professor Holst, chairman of the Norwegian Alcohol Commission, after a personal investigation made in 1912. He says, among other things:

“Even when an election shows a majority favorable to prohibition it is impossible to draw any definite conclusion from the number of the majority votes in regard to the number of the electors who are actual adherents of prohibition. As for that, these may, as a matter of fact, be in the minority. In the

American prohibition states it has repeatedly been shown that a number of persons who vote for prohibition do so not because they are personally convinced of its expediency and intend personally to contribute to its enforcement; but their vote is directed by ulterior motives. Partly they vote for the law so that in return through the support of the prohibitionists they may be elected as members of the local government or of the state legislature. Partly they desire to gain the temperance vote when other positions are in question which in the states are filled by popular elections, and that carry economic advantage or may satisfy one's ambition. And when these persons have attained the positions it is observed partly that they personally violate the law they helped to force through, partly in the main they close their eyes or are not concerned to prevent others from transgressing the law, as they do not intend by their vote to draw down upon themselves trouble or enemies.

“Under these circumstances it is not strange when in the states one hears talk of so much hypocrisy and so many broken promises that one involuntarily gets the impression that such election pledges and their consequences may be specially prominent in the states. But as appearances of a corresponding kind, so far as one can judge, belong to the shady side of present-day public life generally, they must be conceived of as essentially one of the common human weaknesses of modern popular government.

“But in the third place, so far as the states are concerned, politics has to a large extent entered into the prohibition question as well as into temperance reform. Thus at the last election in Maine in 1911 prohibition was opposed by the Democratic and supported by the Republican party. This is a direct consequence of modern popular government and is not peculiar to American society. It is also patent that this manner of proceeding involves considerable danger; for when prohibition is given place on the program of a party machine, the guarantee that in case the program carries, the rank and file of the party will live up to it or exert themselves to have the law obeyed, is even less than when the individual citizen pledges himself to vote for it. As already remarked, it will still be a long time before a violation of liquor laws is regarded by the great public on par with a crime.”

### III

#### OUR EXPERIMENTS IN PROHIBITION

Habitually, the venders and makers of intoxicants are blamed for these unwholesome conditions. They are guilty in a degree; and we justly pour out upon them a full measure of wrath. No condemnation too severe can be visited upon men who for the sake of filthy profit defy constitutional and statutory law, spreading corruption and misery wherever they go. Yet that they usually find open markets beckoning

them, and that otherwise decent citizens become their partners in law-breaking by purchase, argues not so much an irrespressible demand for drink as indifference to the enforcement of prohibition.

Here is the festering sore spot which prohibition so far has failed to heal. It is caused by the presence of large hostile minorities (sometimes turning into majorities), some of whose members may believe in prohibition to the extent that they frown upon the legalized saloon and yet demand a supply of liquor for private use. Unfortunately, prohibition rarely, if ever, as enacted nowadays, is the expression of an untrammled public conviction. The methods of the ordinary prohibition campaign do not require this. The paid propagandists who have assumed leadership are content to cajole where they do not persuade, through threat of social and trade boycott, or of political extinction, and by a hundred other devices not necessarily calculated to instil conviction but effective in gathering votes. They seldom fail to recruit strength from self-seeking politicians who would ride to preferment and office on the "water wagon," although they secretly despise it. This blunt but truthful speech by no means ignores the very many men and women who vote and work for the extinction of the liquor traffic with perfect single-mindedness. We are merely seeking adequately to explain why prohibition victories are usually short-lived triumphs for temperance. So much detailed evidence, even photographic, of illicit

drink-selling and of public intoxication in prohibition territory, not to mention the substitution of drugs and other stimulants, has been presented by trustworthy publicists that it surely is superfluous to amplify it.

Everywhere stands out the ugly fact of substantial minorities opposed to prohibition, exclusive of persons whose creed permits them to vote for it without any intention of helping to secure enforcement of the law. Instances of states repealing prohibition after a trial are numerous; but its complete vindication by the voters after a satisfactory trial is still wanting. The State of Maine furnishes an illuminating example. When a few years ago its citizens were called upon to declare for or against the resubmission of the constitutional prohibition amendment, only a bare majority could be mustered against it; and had not the issue been clouded by political considerations,—above all, had not the illicit traffic, aided by wholesale liquor-dealers outside of the state, rallied to the support of prohibition,—Maine would certainly have shown a popular vote in favor of a license law.

The statement has been challenged since it was published in *The Atlantic*. Documentary corroboration is of course not available, but the writer has the information from indubitable sources. Moreover, his personal investigations have assured him that the illicit liquor dealers of the state, who form a large and lusty brood, opposed the change to

license, insisting that notwithstanding the risk, greater profit and political pull may be had under prohibition. It is true that the question of adopting a license policy was not directly placed before the electors; yet every vote for a resubmission of the constitutional prohibition amendment was certainly an expression of opinion favorable to some form of legalized drink-selling. The whole point is that resubmission all but won. Incidentally it may be remarked that the changes in population in Maine through the addition of foreign elements account significantly for the anti-prohibition sentiment in the last election.

The mere desire to extirpate the saloon, although professed by a majority of voters, does not suffice to uphold prohibition; for it is a question fundamentally involving the attitude of the individual toward the use of intoxicants. Until the mass of men in any state have become convinced (of which there is no evidence) that so far as they are personally concerned the temperate use of liquor is wrong, or are impelled to personal abstinence through solicitude for weaker brethren, prohibition must continue to suffer from what for the present appears to be an insuperable limitation. Human nature will not take seriously a ban upon an indulgence regarded as personally permissible. The drink question is not a plain moral issue; therefore we submit it to popular vote, a thing never done with matters involving inherent rights and wrongs. We do not debate whether

various forms of crime and vice shall be suppressed, but only the methods of suppressing them. No one, for instance, challenges the wisdom of forbidding by legislation the sale of habit-forming drugs except for medical use. But prohibition against drink is in no sense analogous, for it denies the liberty to indulge in things which, if used moderately, are not necessarily open to condemnation.

Yet intelligent people insist upon the perfect analogy between prohibiting the sale of alcohol and the sale of drugs, whose moderate use (if there were such a thing) is unqualifiedly injurious. They are unconscious of their inconsistency in that they are the staunchest upholders of local option, which recognizes it as proper to legalize the sale of intoxicants if a majority favor it—a procedure they would not dream of permitting in regard to opium and cocaine.

Were the line of cleavage what absolutists contend, we should not witness the numberless evasions and violations of the law which otherwise straight-walking persons permit themselves. The writer well remembers witnessing a justice of the Supreme Court of the United States persuading a black railway porter to break a state prohibitory law because he felt, or imagined, the need of something stronger than water, while passing through "dry" territory. The much perplexed negro offered this defense: "What could ah say wen de co't compel me to?" The elevated personage in question is but a type of untold numbers in humbler walks who without com-



punction break the one law against drink while they implicitly obey others. Patrons of kitchen bars or the more pretentious saloon drug-stores in forbidden places are not alone guilty in this attitude. It is shared commonly by men whose standing no one would challenge, and who not seldom admit an impulse to circumvent prohibition whenever they find themselves in dry territory, not from an active craving for drink nor from idle curiosity about the manner in which the law may be enforced, but rather from natural resentment against dictation affecting their personal habits.

Even the great institutions of learning have been known to make exceptions (perhaps for the sake of obviating a greater evil) when confronted with the question of strictly enforcing liquor legislation within their own domain. This compounding with wrong is facilitated by the law itself, which visits its whole strength upon the vender of the forbidden goods, although he be in fact but their hired custodian, while the purchaser goes scot free.

The common lack of whole-hearted acceptance of the very essence of the principle of prohibition is not merely a firm obstacle to rigid enforcement, but proof that men habitually distinguish between the obligations imposed by prohibition and other laws which the community conscience insists shall be respected. Men who speak and vote for prohibition in Congress or in state legislatures do not lose caste in society, because they violate the very statute to which they

have subscribed as soon as it happens to inconvenience them. Yet the same persons would be condemned for ordinary criminal acts. The strict moralist cannot justify this attitude. We are here purely concerned with the fact that it exists and that it accounts for the inherent weakness of the efforts to change habits and points of view by statutory enactment. Perhaps no more disquieting illustration of the point to be driven home can be found than the frequent political contests in prohibition states centering in the question whether the law against drink-selling shall be enforced or not. Governors, state legislatures, and numerous local officials are frequently elected on a platform of non-enforcement. It would be shallow-minded to say that such exhibitions of callousness to the dictates of law are due solely to the machinations of those pecuniarily interested in drink-selling, or to the degradation of this or that political party. No, it is rooted in the fact that so many differentiate between violation of prohibition and ordinary transgressions. In passing, it may be said that we touch here upon one of the fundamental ills engendered by unenforced prohibition, namely that it focuses political thought and activity of the community, not upon policies for civic advancement, but, *mirabile dictu*, upon the question whether constitutional and statutory enactments shall be respected!

There is, then, no real analogy between the violation of prohibition and that of other laws which by

common consent have become dead letters. In the course of time we slough off considerable legislation without formal repeal, because we have outgrown it, but the fact does not necessarily argue disrespect for law. On the other hand, there is at least a constant pretense of enforcing prohibition, and it cannot be openly flaunted without the connivance of officials.

To some extent conspicuous evils accompanying unenforced prohibition, such as the corruption of the police and other officials, the schooling of entire generations in obtaining a livelihood through violation of law, and the constant presence of alcoholism, are admitted even by the sponsors of this method of temperance reform. Naturally, the blame for such lamentable conditions is laid upon the liquor traffic in other states, as ultimately responsible; and there follows the argument: "Forbid by national law the manufacture and importation for purposes of sale of all intoxicants, break up the legalized liquor traffic, and these ills will disappear; the Federal government has stamped out slavery and polygamy, and will soon put an end to the drug traffic; it can do the same with liquor." Thus runs the speech, and hardly a day passes without its repetition in some form from the pulpit and platform.

## IV

## NATIONAL PROHIBITION

Let us examine a bit closer this ultimate panacea for the drink evil, not in the spirit of belittling its honest advocates, but in the spirit of one who would sound for possible shoals upon which temperance reform may yet be stranded. The procedure by which national prohibition might become a reality is pretty well known. The Congress must by a two-thirds vote in both its houses submit an amendment to the Constitution forbidding for all time the manufacture and importation for sale of intoxicants of every kind; then the amendment must be accepted by three-fourths of the states. Already nineteen states are counted in the prohibition column, and that the seventeen others necessary for the required majority can be won over is of course possible.

But let us note that the nineteen prohibition states are mainly agricultural communities, only twenty-six per cent of their populations being urban, and that they have outlawed the drink traffic through the rural vote; that is, the areas which under normal conditions would not be encumbered by saloons have held the balance of power. The large cities invariably reject prohibition; thus in recent elections otherwise successful, Seattle, Tacoma, Spokane, Portland, and Denver voted against prohibition. The likelihood of winning over the greater centers of

population elsewhere is far less. In short, the more urban a state is, the greater the probability that it will oppose in particular national prohibition. Now comparatively few states contain an overwhelming or preponderating urban population and one somewhat generally distributed. Among them must be counted Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Illinois, Missouri, and California; also the District of Columbia. These states, sixty-eight per cent of whose population is urban, with the District of Columbia, contain more than forty-five million inhabitants, or very nearly one-half of the total number in the United States, as against twenty-seven million in the avowed prohibition states. Yet, under the rule governing the acceptance of a constitutional amendment dealing with a matter of public morals, these twelve "sovereign" commonwealths might be coerced to accept prohibition, and that principally by a more or less remote rural vote!

To legislate the saloon out of country districts is comparatively simple and does not require a national amendment. But drink-selling is primarily a city problem which will not disappear merely because rural majorities say it shall, regardless of the wishes of the city folk. From the very nature of its object, prohibition is inherently difficult to enforce and when it is foisted upon a community from without its ill fate is foreordained. The philosophy of the present-

day temperance leaders does not contemplate such affirmation of every-day experience, for it is built upon the doctrine that sobriety can be created by law, *i.e.*, coercion; hence the marshaling of the rural forces against the urban minorities.

Moreover, it may conservatively be assumed that even in the prohibition states one-third of the population is opposed to forced abstinence, and that the same proportion holds good in the seventeen states which it is necessary to win over to secure national prohibition. These thirds, added to the number in the states one must anticipate as opposed to prohibition, would equal sixty-three millions of the total population. Thus a constitutional amendment might be secured against the expressed will of a large majority of the citizens of the United States. This is by no means a fanciful speculation, but a condition confronting the intelligent voter which should lead him to ask whether such temperance reform by compulsion does not carry the germ of its own destruction.

There are, however, more obvious barriers to the success of national prohibition. Under it the now legal manufacture of liquor for sale would automatically cease. The seal placed upon the distilleries and breweries of to-day by the Federal government would not be broken. Customs inspectors would guard against the illicit importation of liquors through the usual channels. Yet should we thereby overcome the evils for which the legalized liquor traf-

fic is cursed—corruption and political graft, and above all else the scourge of alcoholism?

Other tremendous factors are to be reckoned with in every community that is hostile or even lukewarm to national prohibition. In the first instance there is the ease with which alcohol is produced and the consequent extraordinary temptation to make “easy money” through its sale. The material for the production of alcohol is well-nigh universal. At the cost of a few cents, a gallon of alcohol can be obtained from peat. Nothing is simpler than to make and operate home apparatus for distilling spirits from potatoes or grain. The fruits of the orchard and the inexhaustible supplies of berries of the woods and fields, plus sugar, will yield alcoholic beverages of deadly strength. And let us bear in mind that the home manufacture of alcohol would be legal under the proposed amendment to the Constitution so long as the product is not placed on sale. The Federal government has already proved its inability to suppress “moonshining,” especially in the prohibition states; and to assume that, at a time when even fiscal interest in preventing illegal distillation would be lacking, it could close the million avenues through which alcohol in its most noxious forms might find the way to the consumer, requires an optimism born of sheer ignorance. The era of home distillation was the period of the greatest intemperance Sweden ever knew. It was in part to prevent the ever-growing home manufacture of vodka and the consequent

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appalling drunkenness that Russia undertook the monopoly of the manufacture of this drink, which it has lately abandoned only to find that the illegal production is once more becoming a menace.

The great issue is to prevent alcoholism; and this is not to be accomplished simply by allowing consumption under a different form. The present acquiescence in so-called prohibition in certain states is largely conditioned by the fact that alcohol has always been accessible through private importation, state liquor agencies, patent medicines, and so forth, not to mention illicit selling. Imagine the now legally accessible sources of supply cut off, but with every facility for home production of intoxicants left, and one can easily forecast a disaster to actual temperance reform which could hardly be repaired.

Under national prohibition the illicit sale of alcoholic drinks would be proportioned to the ease with which they are produced. The lure of gain is stronger than fear of an unpopular law. Certainly the Federal government could not employ an army vast enough to prevent illegal selling, even if it had authority to usurp the police power of the local community or state. The local police would prove a vain dependence in the hundreds of municipalities opposed to the law. They, too, would be set upon by temptation or cease activity in the face of juries hostile to conviction. This is not a fantastic picture of probable conditions, but one drawn from long experience of prohibition under circumstances much



more conducive to fair success. Professor Holst observes: "It is only human that several of the conditions mentioned before—quite apart from what has been said about the sheriffs and corruption—must have its influence on the functionaries of the police. In spite of the result which the popular election relative to prohibition had for the respective communities, it is simply human that the higher officials of the police in American prohibition cities are loath to take measures against violations of the law, when, for instance, even members of the local government circumvent it. And regardless of the result of the election, it is quite as human that also the lower members of the police force are reluctant to be more active than absolutely necessary since the social circles which they frequent when off duty are inimical to the law."

The demand for stimulants is not amenable to a fiat of the law; and whenever demand lags, one can trust the illicit vender artificially to stimulate it. He will not depend solely upon the cravings of the alcoholic, which—contrary to the popular conception—quickly cease in the absence of what they feed upon. The young and the weak would be found as ready victims to the seductions of alcohol as they are now; and these seductions would reach them under forms far more tempting and dangerous than at present.

Were the habitual or occasional demand of millions for alcoholic stimulants merely fictitious, it could be made to disappear by legal magic and the

battle would have been won long ago. But the affair is not so desperately simple. Physiologically as well as psychologically, it is unthinkable that the transition of millions from the habitual consumption of alcohol to sudden abstinence, can be effected without revolutionizing the very mode of life. This is a condition that defies law. There lies in this consideration no plea for the continuance of bad habits, but simply a question as to the means by which they can be abated without inviting greater evils.

“It is a curious fact,” says Professor Patrick, in his *Psychology of Relaxation*,<sup>1</sup> “that in the thousands and hundreds of thousands of books, articles, and writings of every description relating to the many phases of the alcohol problem, this simple and fundamental question—Why do men desire alcohol?—has until recently never been carefully considered at all, and even now has not been answered. The belief that the desire for alcohol is due to total depravity or original sin seems to be about as far as we have got in answering this question. One author wrote a serious article not long ago to show that the cause of drinking is to be attributed to bad cooking in the home! He evidently did not appreciate the fact that the desire for alcohol, as well as its use, is at least as old as the Lake-dwellers of the Neolithic age.” Professor Patrick states the psychological view of alcohol as follows:

<sup>1</sup> *Psychology of Relaxation* by George Thomas White Patrick, Ph.D., Professor of Philosophy in the State University of Iowa.

“ We thus trace the desire for alcohol to the inherent need of mind and body for relaxation, a need normally supplied by all the varied forms of play and sport. Psychologically it is the expression of the desire for release from the tension of the strenuous life. In a sense, therefore, it is the strenuous life which is responsible for the alcohol impulse, but it should be noted that the word ‘strenuous’ is here used in a broad sense. It does not refer necessarily to an exciting, active, high-pressure life, but refers rather to any condition of unrelieved tension, where sustained effort is demanded with little opportunity for complete rest and relaxation. While these conditions are, perhaps, most often encountered in the high-pressure life of our cities, they are also present in the unrelieved toil of the industrial worker.

“ We are in this way able to understand some of the facts which, as we have shown, must be considered in any theory of the alcohol motive. We may understand not only the increased desire for alcohol in modern life, but also the lesser need for it on the part of woman. Woman is less modified than man and presents less variation. Her life is calmer and more even. She is more conservative, representing the child type, which is the race type. Her life is less strenuous. She is not keyed up to so high a pitch, and hence has less need of relaxation and feels less demand for play and sport. Man, on the other hand, represents variation. The mental powers peculiar to advancing civilization are more developed

in him. He has to be in the vanguard of progress. With him, therefore, the stress of life, the tension, the excitement, are greater, and he feels more the need of the harmonizing action of alcohol.

“Again, we can understand why even the primitive man finds alcohol a relief, for the tension of his life is great as compared with the lower animals, and we can understand why the desire increases with the progress of civilization and the corresponding increase of tension. The stress of life is greatest among the Anglo-Saxon people and greatest of all, perhaps, in American cities at the present time. In this country, especially, the intense life of concentration, of effort, of endeavor, of struggle, of rapid development, has for its correlate an intense longing, not for stimulants,—for our life, our climate, our environment are surely stimulating enough,—but for rest, for relaxation, for harmony, for something to still, temporarily, the eternal turmoil.

“Does the fact that the desire for alcohol is increased by the indulgence in it and the apparent fact that those who fall victims to its excessive use are not always those most in need of its harmonizing action present any difficulty in this theory? Probably not. The desire for relaxation is not necessarily increased by the use of alcohol, but only the ever-renewed demand for that which produces the longed-for effect, and, again, it is not certain that those who fall victims to its excessive use are those most in need of its harmonizing action. Here the element of

prudence and self-control must be taken into account. Excessive users may be those having lesser control or greater opportunity, not those experiencing stronger desire. While the desire for alcohol is increasing with the complexity of society, it is actually true that drunkenness is decreasing, and it is possibly true that the number of total abstainers is increasing. These things are determined by custom, by individual environment and education, and by the power of self-control. But the steady increase in the desire for alcohol is shown not merely in the steady increase in its consumption, but still more in the fact that it increases in the face of public and private sentiment, legal statute, and social effort.

“ We see, also, why the use of alcohol has commonly followed the law of rhythm. Among primitive tribes drinking was periodic, wild orgies of intoxication following considerable periods of the plodding life. This periodicity is seen in convivial drinking of all times and is a familiar fact in every community at present. The power of self-restraint, strengthened by public sentiment and private prudence, deters from the use of alcohol up to a certain point, when the cumulative force of the desire, which is the cumulative need of release from painful tension, overthrows all barriers, and excess and complete relaxation follow for a season.

“ So it appears that the effect of alcohol is a kind of *catharsis*. But, just as we have seen in the case of play and sport and laughter and profanity, it is a

*catharsis* only in a very limited sense, not in the Aristotelian sense of purification by purging something away, but only in the sense that it affords rest and relaxation. Truer, perhaps, it would be to say that alcohol is a kind of escape. It is not in itself desired; often enough it is hated. But the user finds himself under the rule of an imperative, an insistent idea, a tormenting presence, and this presence is his whole deep human personality crying out against the eternal urge of the 'will to live.' The spirit of the age proclaims that we must be efficient. Efficiency, and ever more efficiency, is demanded, and the desire for alcohol is the desire for rest, for release from the tension, for freedom and abandonment. . . .

“But now, if this theory is correct, what is the conclusion? Is alcohol a means of purification through relaxation? Just so far as it affords rest to the wearied brain and relief from the tyranny of the will, it is a means of purification, but unfortunately, it is at the same time a poison, bringing in its train a heavy residuum of damage not only to society, but to the individual. The imperative need of relaxation is apparent, but, while play and sport are relaxing and recreative, alcohol is relaxing and destructive. The colossal evil of its excessive use is evident to every one, but there is reason to believe that even its moderate use detracts from the sum total of well-being of the individual in exact proportion to the amount used. It is possible, however,

that the case is still worse. Let us suppose that alcohol were not a poison, that it had no effect beyond a slight paralysis of the higher brain. What will be the cumulative effects of such action upon the individual and the race? This question cannot at present be answered. . . .

“To the psychologist it would appear that the method of substitution will have more satisfactory results in the end than the method of direct suppression. Merely to suppress the sale of alcohol is like putting a lid on the teakettle to prevent the steam from escaping. As long as the fire burns brightly beneath and there is water in the kettle, something will probably happen to the lid. If the lid is screwed on tightly enough, something will probably happen to the kettle. We must either provide some way for the steam to escape or else remove the fire. So we must either provide some substitute for alcohol, such as healthful forms of relaxation, or else, by a different kind of education or a different manner of social life, bring about such a harmony in the human personality as to make unnecessary the resort to temporary expedients.”

Still another uncontrovertible item in the catalogue of “outs” about national prohibition must be mentioned. The real warfare over it would begin with the efforts at enforcement. We should then witness, on a nation-wide scale, the spectacle that we have already observed in miniature locally,—the blighting power of avowed disobedience to law dom-

inating political battles. The paralyzing influence that overtakes a community when it condones the violation of fundamental laws, the utter demoralization of public officials, and the corroding of the social conscience, are inevitable evils under prohibition not enforced; and it is for the conscientious voter to weigh how far they offset any measurable gains for temperance.

The contrast to be kept in mind is not between possible shortcomings of prohibition and the outrages of the existing drink traffic, but between unchecked intemperance plus the evils of non-enforcement and the employment of new effective principles of restriction. One can join heartily in the anathemas against the saloon and decry alcoholism as a world-disease, while conscientiously rejecting the proposed cure-all. For this reasonable state of mind the extremists show pitying contempt or even suspicion. And now that the question has become a firebrand in national politics, its consideration upon its actual merits grows increasingly difficult. Daily we observe political fortune-hunters, whose belated conversion to temperance advocacy is not altogether convincing and who befog the real issues at stake. They trade upon the pleasing fiction that the demand for national prohibition springs from the people as a whole because it no longer thirsts; they misconstrue the very real outburst of indignation against the saloon, as if that alone provided a suitable foundation for absolutism.



It is not easy, of course, to differentiate the genuine from the spurious or manufactured sentiment underlying the agitation, since not all its motive power is clean from self-seeking and since its methods in large part have become coercive.

This much is certain: any sudden enthusiasm for reform is apt to lack depth. The alleged ripeness of the country for national prohibition is not the fruition of physiological-statistical teachings about the effects of alcohol. The masses are not moved by scientific conceptions. Happily, sound instruction in principles of hygiene has become a powerful weapon in fighting intemperance; but this fact does not reduce the drink problem to a physiological basis, much less excuse the palpable exaggerations and the confusion of values put out in the name of science. It is a social, not a physiological, question, and to be solved not by sifting the conflicting dicta of scientists, not as a matter of abstract morals, but by a gradual progress backed at each forward step by an enlightened public sentiment. To insist that in a space of years a hostile attitude will become reconciled to national prohibition is to beg the question, for then the mischief to be averted will already have been done—a too frequent experience when legislation outstrips public conviction.

These elementary observations are naturally repudiated by the type of reformer who regards the mere act of supplying intoxicants as immoral, and

therefore refuses it legal sanction under any condition. And yet he would permit others to drink; for one sees that the proposed constitutional amendment aims to preserve this "personal liberty," as well as the manufacture and importing for private use of the most noxious beverages. Or is this merely a "joker" intended to make the amendment more palatable, and to be got rid of by subsequent perfecting amendments? The distinctions made in the case are curious. Since at bottom the question is of stopping the sources of intemperance, how can those who brand as immoral the manufacture for sale of all alcoholic drinks consent to their uncontrolled and unlimited production for home use? The professional temperance agitator must perforce take an extreme stand. Fulminations against the inherent sinfulness of making and selling drink are part of his stock in trade, and for him to admit the possible morality of supplying liquor of any kind, under any legal auspices would for self-evident reasons be a disastrous face-about.

What a strange perversion it is of temperance reform to subordinate the fundamental question of weaning the nation from excessive drink habits to the mere legal prohibition of the manufacture and sale of intoxicants, since under the liberty of importing and of making it for home use there can be no reasonable guarantee that access to alcohol will appreciably be diminished. How absolutely simple the problem would become if the desire for drink were

conditioned solely by the legal production of the means for its gratification.

Some other significant aspects of national prohibition, although not essentially basic, such as its economic bearings, the eventual compensation to a dispossessed trade, which in some lands is accepted as an obligation, and its relation to government, will be discussed in another chapter.

It has been necessary to dwell thus at length upon the prohibition issue because it is the present storm-center of temperance reform and held by many to be its beginning as well as its consummation. Perhaps, in a far-away future, society will outgrow the menace of alcoholism. Practically universal prohibition may be in store for the world. Meanwhile it behooves us to inquire for a safer, shorter road to the hoped-for millennium than that which crosses the pitfalls of national prohibition, and along which men are to be driven when they refuse to go willingly.

It is not true that we have exhausted the means for an effective control of drink-selling and the suppression of alcoholism, and that, therefore, national prohibition is the only alternative. We have merely woven into our statutes a fabric after the crazy-quilt pattern which does not hold together because it lacks a body of sound principles. The need is not for more law, but for a radically different law, the controlling motive of which must not be solely to end the present unholy alliances of the drink traffic and sweep away all the rottenness of the saloon, but

gradually to dry up the real sources of intemperance—a law that recognizes an inexorable demand and meets it under conditions leading away from, not to, excesses. We need not become pathfinders in the wilderness of temperance reform in order to establish this; but it is necessary that we should see things as they are, divested of prejudice, and clearly, as in a glass without a wrinkle.

## CHAPTER III

### GOVERNMENT AND PROHIBITION

#### I

#### INTRODUCTORY

So much prejudice and finality of opinion surround the question of drink reform that he who approaches it judicially risks being misunderstood both as to the purpose and the bearing of the argument. It is not a welcome task to paint the shadow sides of a movement absorbing so many men and women whose purity of intention is beyond cavil. But where is the authenticated story of "human wreckage saved by prohibition" ?

The writer is conscious that truth-telling has earned him the lasting enmity of prohibition leaders and a place on the blacklist of thousands who follow them blindly. For the sincerity of their convictions he has but respect, believing that in all things they intend well. He wills the same great end as they—temperance—but would strive for it through other means. He also ventures to hope that in criticism as well as in suggestion he has, however imperfectly, reflected the sense of many people who see, perhaps, more clearly than he that a social millennium will

not dawn until we have been made ready for it, not by force but by persuasion.

Lest new misconception arise, it must be said that criticism of the extreme prohibition wing is not directed against all who hold by sumptuary law as a cure for intemperance. If there be general assent among them to the ultimate object, there is pronounced dissent about ways and means of achieving it. Therefore, it were unjust to hold the mass of prohibitionists accountable for all the activities and vagaries of more or less self-constituted leaders. This avowal is perhaps especially needful when the relation of the prohibition movement to government is under discussion. Personal motives and intentions are not to be scrutinized, but merely the inexorable consequences of a misguided propagandism. If now and then extreme instances are cited to illustrate very present perils, they must stand to the credit of those who provide them or who undertake their defense.

The prohibition method of drink reform in its radical manifestations, is indictable because it tends to pervert both the theory and the practice of government. This assertion doubtless will seem singularly harsh and unjust to the men and women who devoutly believe that the overshadowing tyranny of the liquor traffic is the real bane of our body politic. They have graven on their minds the image of an alcohol octopus whose paralyzing tentacles draw legislators and civic authorities of whatever name into a deadly embrace and which rules to ruin. The

picture, however magnified and distorted, is not one of pure fancy; the liquor interests at times and in places have imposed a deadening weight upon government and corrupted where they should have obeyed. Domination, real or attempted, in political affairs, interference in elections, tampering with the police and other public officials, and general disregard of law have justly been charged against the liquor traffic. Such evils have been largely of a local nature, quite amenable to correction through an enlightened community sentiment, but have helped wonderfully to point the argument for prohibition.

The opposition to prohibition is invariably ascribed by its promoters to the machinations of the trade. Naturally, the powerful liquor organizations, like any other concern, resent interference with their business, especially when they are faced with the possibility of its utter destruction without compensation. But the suggestion is that "by some obscure influence they induce others who have not the same interest to join in fighting their battles." The belief of temperance reformers that they need only reckon upon the opposition emanating from the trade simply reveals their ignorance of the forces with which they have to deal. They would dam the stream without studying its origin and source. First-hand knowledge of the saloon and the social want it meets, they scorn. That actualities show alcoholic indulgence to be far too deep-rooted in humanity to be dug out by any summary process, they deny.

Particularly in this land of compulsory virtue, reformers have come to live in an atmosphere of phrases untempered by facts. The "solution of the liquor problem" is one of them. By this, of course, is meant general prohibition, that short-cut to virtue, which shall accomplish by a wave of the legislative wand that which all the efforts of the saints and sages have failed to achieve in a score of centuries. To those who pay more attention to words than to actual life the saloon incarnates all the evil powers of the world, and warfare against it becomes a holy crusade justifying any weapon or mode of attack, since they believe emotionally that the salvation of the world hangs by the one issue.

But in the comfortable glow of reform people are apt to forget that in combating the oppression of an overreaching traffic, it is possible to invite another species of tyranny more inimical to government because it is subtler, less tangible, and more enduring in its effects,—the tyranny of political and social coercion exercised in the name of public morals. The use of force to obtain a "sanctified" end is as ancient as history, soiling the pages of Christianity itself. The prohibition propaganda merely illustrates a peculiar phase of such coercion, and the application of methods that are the more dangerous because of their apparent innocence. A slight reflection on our theory of government should make this clear.

It is an accepted article of our political faith that



the success and durability of a just form of government require the consent of the governed. To deny this concept or to circumvent it is to invade the very fundamentals of liberty. But this sound underlying theory of democracy is easily subject to perversion. As President Hadley of Yale University puts it in his *Standards of Public Morality*,—"Not content with saying that all just government is based on the consent of the governed, the enthusiastic advocates of democracy hold that if you could only find what a majority of the governed wanted, you could easily incorporate it into law. Never was there a greater practical error. Public law, to be effective, requires much more than the majority to support it. It requires general acquiescence. To leave the minority at the mercy of the whims of the majority does not conduce to law or good government or justice between man and man. Even Rousseau, the leading apostle of modern democracy, saw this most clearly. He said in substance: "A majority of the people is not the people and never can be. We take a majority vote simply as the best available means of ascertaining the real wishes of the people in cases when it becomes necessary to do so."

These elementary political principles are lightly brushed aside by those who strive for sumptuary legislation. Yet coercion through a crude illegal use of the police power is not a whit more subversive of ideals of government than the enactment by fabricated majorities of statutory and constitutional

laws that violate what millions regard as inherent personal rights. Still the pursuit of that will o' the wisp—public virtue to be attained by compulsion—continues. That experience has showed it to be a costly phantom is forgotten or wilfully denied, and a vacuous belief is maintained in the usefulness of law as such, provided it has a seemingly beneficent object.

It is axiomatic that when law reflects general consent in regard to public needs, "its enforcement takes care of itself." But when law is enacted by insincere majorities, particularly a measure that undertakes to regulate personal habits and modes of life, its fate is foredoomed. The greatest obstacle is not the active hostility of bad men to such a law, but the unreadiness of good men to support it, for a widespread passive opposition suffices to destroy its vitality. Illustrative of this attitude toward prohibition is the reply of a prominent physician to the question whether he had read any of these articles as they appeared in *The Atlantic*. "No," said he, "I never read anything about alcohol; I am afraid of being deprived of it."

Oftentimes an obnoxious law, by common consent, becomes a dead letter, and its enforcement is not even publicly advocated. But the preservation of liberty by means of a general permission to ignore law does not point to a wholesome social condition. Prohibitory laws, however, are not permitted to die after the manner of other legislation which a com-

munity may have outgrown. Even the tolerant citizen will grow apprehensive over the prospect of a complete liberation of forces that stand athwart order and decency. Outwardly, at least, prohibition is always upheld; and from time to time occur sincerely enthusiastic and some locally successful attempts at enforcement. The proper redress when prohibition is shown to be a failure is, of course, to secure its repeal by existing legal expedients. But just as many men allow social and political considerations to override the conviction that prohibition should not be attempted, so, from the same motives, they acquiesce in its habitual violation rather than advocate the repeal of the law. Then there are everywhere large minorities personally hostile to the policy of prohibition, whose existence alone can account for the huge scale upon which it has been and is being violated. From circumstances like these arise conditions that are destructive of the social order we call government. Let us see how these generalizations fit the prohibition propaganda as well as the enforcement of prohibition laws.

The adoption of prohibition as a state's policy need not occur in response to an overwhelming voluntary demand for the extinction of drink selling; for the present-day prohibition cult is not a spontaneous growth but a condition of mind requiring constant and artificial nurture. The advocacy of prohibition does not even necessarily connote enthusiasm for total abstinence as a personal habit. It will be observed

that abstinence or temperance societies of the old pattern are not the leaders of the national movement, nor is its promotion the reason for their being.

In the early days of the prohibition agitation genuine fervor directed the majorities in several campaigns. For the most part its fires burned out quickly, leaving scarce a trace. Of later years it has become increasingly evident that such embers as still remain must be fed with specially prepared fuel if they are to be fanned into flame; and the task has finally become the paid occupation of a certain class of reformers. This does not imply a prevailing lukewarmness toward temperance. Only a blunted sense of the public feeling round about the country could lead one to deny a very active, wholesale resentment against the saloon and the methods of its backers; but to identify this feeling with an unconquerable desire for prohibition is to read it sadly amiss. For instance, the recent return to prohibition by the state of Alabama would probably not have taken place except to avenge the high-handed interference by the liquor interests in municipal affairs. In general, were this not so, we should not have witnessed the remarkable upward trend in the consumption of liquor during the past decade; nor would it be necessary to build up elaborate local state and national machinery to deal with every trick and device of coercive campaigning in order to foster the necessary sentiment. The old-line prohibition party was not adapted to the work, as experience in the United

States has shown that a political temperance party, pure and simple, whose vision of public policies is bounded by prohibition is not enduringly an efficient factor in state or national affairs. Therefore, in order to gain the momentum in the prohibition campaign desired by the extremists, a new agency became necessary, and the Anti-Saloon League was fashioned to supply it.

## II

## THE ANTI-SALOON LEAGUE

The recent manifestations of the prohibition movement, particularly in its bearings upon government, cannot be thoroughly understood without knowing what the Anti-Saloon League stands for, its character, purposes, and methods. Ostensibly, it is "a federation of churches and temperance societies to promote public morals," and has also been described as representing a "militant church movement." This is true in the sense that it finds its main support within certain large Protestant denominations—the Methodist, Baptist, Presbyterian, and, to an extent, the Lutheran (chiefly the smaller English-speaking portion)—and naturally finds adherents within lesser church organizations. These great religious bodies have their strength in rural and semi-rural districts, whence also the prohibition movement recruits its force.

On the other hand, the Roman Catholic Church,

the Protestant Episcopal Church, and the Jewish congregations, counting together about as many members as the others just mentioned, have their stronghold in the cities; but they are not identified with the prohibition movement as such, much less affiliated with the Anti-Saloon League. Indeed, their most prominent spiritual leaders have declared against the prohibition agitation as a religious propaganda and stand aloof from it as a political measure. In all the prohibition states, except Arizona, Colorado, and Maine, the majority of church communicants belong chiefly to the Methodist, Baptist, and Presbyterian bodies, yet in more than half of all the states the Roman Catholic is the religion of the plurality, and in nearly one-half of all the states it has a larger membership than the combined denominations which are said to support the program of the Anti-Saloon League, but among whose members there assuredly are many who refuse it indorsement. Moreover, only two-fifths of our population are reckoned as communicants of any church, and only fifteen per cent of the population belong to the particular denominations which the Anti-Saloon League would claim for its own. Therefore, does it not savor of a recrudescent Know-Nothing spirit, when this organization presumes to call its propaganda an American church movement, and to speak in the name of the people of the United States?

To be sure, the Anti-Saloon League is of ecclesiastical origin; it was given life by a wandering

Methodist preacher some twenty years ago; the active workers are drawn from churches; pulpits are its forum, and tribute is received from Sunday collections. In many respects, however, it seems to be singularly worldly and wholly undemocratic. In spite of its ramifications and ubiquitous agents, it is a markedly centralized body. Supreme control is vested in the General Superintendent. He assigns the State Superintendents; local or state groups have no choice in the matter. In brief, headquarters select, direct, and pay all of its officers, including the legislative superintendent at Washington, who conducts the campaign on Congress.

The Anti-Saloon League is thus a very compact, practically self-perpetuating, and, in a public sense, irresponsible group which knows no political fealty to other principles than that of prohibition, but seeks to bind all parties to its chariot. The corps of professional workers employed in every state is not amenable to local discipline or control. Its lack of public responsibility apparently covers the expenditure of vast sums of money (one and one-quarter millions per annum is admitted), contributed by churches, individuals, and corporations for political purposes, which are not regularly accounted for as such. It is this organization, backed by its own professional publications and dominating no small portion of the general press, that under the emblem of religion has obtained control of the propaganda for state and national prohibition.

The methods followed by the new type of workers in ordinary prohibition campaigns, the frequent proscription of candidates for office who choose to follow their own convictions, the intimidation of voters through implied threats of social and business boycott, the frank appeal to the emotions of voters instead of to their understanding through the employment of women and children as special pleaders for the cause,—all of which makes for unstable majorities—are tolerably well known. Let us turn to the national aspects of the situation.

The attitude of the Anti-Saloon League toward Congress has recently been stated by Mr. William H. Anderson, State Superintendent for New York, than whom no one can speak with greater authority, as follows: "The Anti-Saloon League is not asking any member of Congress to declare that he is in favor of National Prohibition, but simply that he shall not become an avowed exponent and protector of the liquor traffic by refusing to vote to allow the people of the Nation, by states, through their representatives, to determine this question in the manner provided therefor by the framers of the Constitution."

Many very specific instances have been published, with names and dates, which seem to disprove this assertion, not to mention the openly avowed intention of seeking the defeat of candidates in the next elections to Congress who refuse "to permit this question to be settled by reference to the states, so



that the people may elect legislatures pledged for or against ratification.”<sup>1</sup>

Note, also, the assumption that he who refuses assent to the proposed constitutional amendment thereby becomes “an avowed exponent and protector of the liquor traffic.” Yet for the most part it is accepted in silence. Is this simply through indifference, the traditional American willingness to submit to political manipulation rather than to oppose it, or does courage really fail? So long as the Anti-Saloon League successfully dangles the bugbear of a moral issue before the public conscience, eternally but wrongfully declaring the prohibition issue to be one between right and wrong and not one of social expediency, it is perhaps natural that many should become frightened. Politicians, both large and small, are thus made to seek cover, or, when in extremity, to enter into prohibition servitude as a means of safety and preferment. Then, too, it is so easy to represent that the question lies solely between temperance workers and the liquor interests, for only those directly connected with it would humanly show the same intense zeal as the temperance agitators themselves. As Mr. Fabian Franklin says, “the opinion that nobody is concerned in the matter except the prohibitionists on the one hand, and those who make money out of liquor on the other, is not only false but so monstrously false that its almost unchallenged currency must be set down as one of the

<sup>1</sup> The Portland (Oregon) *Journal*, Dec. 18, 1915.

most interesting and instructive of psychological curiosities.”<sup>1</sup>

But the pronouncement cited of the attitude of the Anti-Saloon League toward Congress is of far greater import than in the respects just discussed. To quote Mr. Franklin again,—“A doctrine more dangerous, more subversive of the spirit of representative government than that here laid down concerning the duties of members of Congress in relation to the most solemn responsibility they are ever called upon to discharge, it would be difficult to imagine.”

Nothing less is contemplated than a *de facto* reversal of the process by which amendments to the Federal Constitution are intended to be made. The provision of the Constitution that the Congress, by a two-thirds vote in both houses, has power to propose amendments to the Constitution, which become effective when ratified by the legislatures of three-fourths of the states, necessarily implies a deliberative act on the part of the Congress and imposes a solemn obligation for the nature of the amendment proposed. The requirement that an amendment must be submitted to the several states for ratification, is merely in order that there may be a sufficient check upon any action of the Congress. But the Anti-Saloon League would have the chosen representatives of the nation abdicate as a deliberative body, efface personal conviction, and forego their greatest responsibility so that “the people of the

<sup>1</sup> *The Unpopular Review*, Oct.-Dec., 1915, p. 296.

nation " may determine the question of national prohibition, under threat that he who refused to do so becomes an " avowed exponent and protector of the liquor traffic."

The transparent plea is made that " the people of the nation " through its legislatures should be allowed to decide. In reality this is an appeal for coercion through a minority of the population. For in ratifying a proposed amendment to the Constitution the votes of the different state legislatures are equal units, no matter how great the disparity of the populations they represent. Thus the four least populous states in the Union would have just as much weight as the four most populous containing thirty times as many inhabitants. As stated in the second chapter, a situation might arise in which thirty-six legislatures representing less than one-half of the population imposed their will on twelve states representing the majority. Yet we are adjured to " let the people decide." The true implication is, let the rural minorities say how the urban majorities shall live. The expedient lies in passing up the decision to the legislatures, in many of which, however, the large city populations proportionally to their members have a smaller representation than the rural. Logically, if " the people " are to decide in the sense the Anti-Saloon League would have us interpret its plea, a referendum should be had to the whole country for the guidance of the Congress as well as of the state legislatures.

The prophecy is frequently made that national prohibition will become law within ten years. The reasoning behind it is plain: Should Congress submit the national prohibition amendment, a state legislature may act on the question of ratification whenever it sees fit, without any time limit; and naturally every effort would be made to seize upon the right moment for securing a favorable majority. If ratification should fail at the first attempt, a legislature may presumably reverse its action at a subsequent session; but whether a legislature can reverse its act of ratification is dubious and cannot be definitely known until the Supreme Court has passed on the question. Many hold that it cannot.

Thus it may be needful only to accumulate during an indefinite period the ratification votes of thirty-six state legislatures, the requisite majority for an acceptance of the amendment; and if ratification once made is irrevocable, any subsequent revulsion of public sentiment—and how rapidly it shifts the history of the prohibition movement teaches us—would be of no avail. The reason for urging the Congress to stand aside and delegate its responsibility to the state is therefore evident, since it foreshadows “the clear possibility of the adoption of the most momentous or radical of changes in the organic law being brought about by the vote of the legislatures of a handful of states previously disinclined to it, at a time when an indefinite number of the states previ-

ously favorable to it had experienced a reversal of sentiment on the subject."

If the country should wish to repeal the proposed amendment, it would be necessary to secure a two-thirds majority for repeal in both houses as well as the consent of three-fourths of the state legislatures. But any thirteen states—and there are more than that number within the prohibition party to-day—would have the power, by refusing their assent, to make repeal impossible, no matter how insistent and sincere might be the demand for it throughout the other thirty-five states. And a governmental policy fraught with such incalculable consequences, reaching into the very depths of our political and social life, the well-spring of ceaseless strife and of corruption, should be left to chance legislatures in the name of a public opinion they cannot truly voice!

What hypocrisy may lurk behind the phrase "let the people decide!" Is, then, representative government as exemplified by the Congress opposed to the interests of the people because it is a deliberative body, bound by certain rules, forms, and accountability for its actions? There is something humorous in the suggestion that a state legislator drawn from goodness knows what patch in the hinterland must possess a better sense of a national policy than he who is charged with specific responsibility for it, and who now is virtually being asked to delegate his authority.

## III

## PROHIBITION ATTITUDE TOWARD ADMINISTRATION

The attitude of the Anti-Saloon League toward government is more clearly revealed through its practices under prohibition. Of later years, perhaps emboldened by many successes, this body undertakes not only to secure sumptuary legislation but to dictate how it shall be enforced. Under local self-government, the function of making penal acts effective belongs to the established police authorities, co-operating with the proper judicial tribunals. Somehow these usual custodians of order do not seem to meet the exigencies of prohibition since it is held necessary to create extraordinary police agencies charged with the single duty of enforcing the edict against drink. In Maine, a few years ago, the scandalous inactivity of the sheriffs and the police became too notorious even for that state to endure, and a commission was established with roving powers to visit every part of the Commonwealth and supplement or rather supplant the work of the local police forces. Bitter resentment against this interference with local self-government, admixed of course with political considerations, before long put an end to the experiment. Recent prohibition legislation would anticipate all these difficulties.

The state of West Virginia wrote into her prohibition law open distrust of existing police powers

when she established a prohibition commissioner endowed with authority on a par with that of the State's Attorney-General and the right to appoint a practically unlimited number of deputies to assist him in upholding the new law. This innovation in government has at least been welcomed by place-seekers; West Virginia is overrun by deputies armed with extraordinary power to interfere with personal liberty, as illustrated by their searching the baggage of inoffensive travelers, perhaps through-passengers, and haling them before some magistrate upon the discovery of a small quantity of contraband goods, or on pure suspicion. Merely to provide the pay of these deputies has become a notable drain upon the already meager state treasury; but that is a detail. The core of the situation is what the effect must be upon government when in order to vindicate a single piece of legislation it is thought necessary to brand the usual police authorities, chosen by the people or locally appointed, and who are sworn to execute all laws for public safety and welfare, as incapable of trust in the one respect of enforcing prohibition. What a singular travesty on methods of securing community order and decency! Incidentally, what a commentary on the assumption that in West Virginia, for instance, prohibition is backed by an all-pervasive and sound public sentiment!

This resort to specially devised agencies for the purpose of compelling obedience to a single law is illustrated in other prohibition states by the appoint-

ment of "state rangers" (Tennessee), and "liquor deputies," or whatever name they may enjoy. The introduction of such elements into the governmental machinery of the state and their maintenance self-evidently denotes a control of offices in the interest of no other public policy than that of prohibition; for its enforcement, especially in some Southern states where it is attempted, has become the pivot on which the whole scheme of government revolves. In view of the recent rampant criminality in some of the Southern states, one wonders whether their quest of public order and respect for law has no other meaning than the enforcement of legislation against drink.

Perhaps the most sinister phase of the enforcement work is the pressure brought upon the courts, the undisguised efforts to influence their action in trials for violations of the liquor law. The practice of intimidation of this sort may even be threatened before the prohibition law in a given state goes into effect. For example, in the *Portland (Oregon) Journal* (December 18, 1915), we read, under the caption "Dry League Chief Tours East-State," the following story:

"Superintendent R. P. Hutton of the Anti-Saloon League of Oregon is now making a tour in Eastern Oregon, explaining the prohibition law, telling 'what is in it,' and 'how to get the good of it.' 'The proposed law and the proposed officials will secure more results with a bunch to back them, than



the best law and the best officials can get if only an unorganized public sentiment is behind them.'

"That is the burden of Mr. Hutton's message, and he is arranging for *organized demonstrations of public backing for enforcement to be made in the court room* when the first half dozen trials come up in each county or in the local community."

The violation of the sanctity of the courts by means of "organized demonstration" of public backing for enforcement is an expedient borrowed from Southern prohibition states where it has been extensively used. Instances of mobs showing noisy hostility to prisoners on trial for ordinary offenses fortunately are exceedingly rare; and everywhere such offenders would be summarily punished. But in Southern prohibition states it appears to be allowable not only to exact public pledges from judges and prosecuting officials in regard to the enforcement of prohibition (as to other laws they are presumably to be trusted), but to instruct a judge in open court, ask him to set aside any doubt that may attach to the possible guilt of the defendant and to demand that the full penalty of the law shall be imposed.

To what length such intimidation of the courts may be carried was shown in Chattanooga, Tennessee, not many years ago. The local superintendent of the Anti-Saloon League served notice, through the public press, that at a given time he and others would call on the judge of the criminal court and find out

why the prohibition law was not enforced. To be sure, past grand juries had returned several hundred indictments against violators, and many fines and workhouse sentences had been imposed. Still, the judge permitted the self-constituted delegation to appear before the bench, listened meekly to the harangue against his administration of justice, and acceded to the demand that all holders of Federal special-tax certificates as liquor dealers should be summoned before the open court. In Tennessee, as in many other prohibition states, the possession of such a certificate is *prima facie* evidence of a violation of the law. The court surrendered to the mob and issued an order for the holders of these certificates to appear at a given time "for further instruction." In the end the tax certificates were surrendered not to the court, which had no legal right to receive them, but—to the local superintendent of the Anti-Saloon League! And the farce proceeded "while a large audience sat amazed at the outrageous spectacle."

Tennessee, however, is not the only state that has suffered frequent degradation of her criminal courts at the hands of prohibitionists. Coercive tactics against the courts have been employed also in Georgia, Alabama, and North Carolina—"organized demonstrations" for enforcement, is the polite name for this species of intimidation. It is easy to blame the judges for cowardice, but it requires a stiff backbone to stand up against onslaughts by those who

have it in their power to end one's official career and scruple not at the means.

To keep perpetual watch on the criminal courts is, however, an irksome occupation and cannot fully meet the needs of enforcement which may be blocked by negligent prosecuting officials, and, moreover, requires the co-operation of other officials, especially that of the municipal authorities in large centers. So the infamous "ouster" law was invented for the removal of officials whose activities or inactivities have become obnoxious to some people. This instrument of prohibition, manufactured and demanded solely in support of sumptuary law, is revolutionary since it would substitute court-made for representative government.

Under the "ouster" act of Tennessee, which prohibitionists elsewhere seem eager to emulate, the prosecuting attorney of the state, or of any city or county, may file a motion in the circuit or criminal courts for the removal of a public official from office for cause; or a suit to the same effect may be entered on the petition of ten citizens. Should the courts sustain the motion, they may remove officials elected by the people and substitute for them men who would be rejected at the polls. This is not fiction but fact. At this writing the cities of Memphis and Nashville are ruled by court-made mayors. The mayor of Memphis, for instance, was removed from office by ouster process, but in the meantime he was re-elected to serve a new term beginning with the present year.

The prohibitionists, however, by the aid of the courts succeeded in restraining him from holding the office to which he had been legally chosen, and he is at present replaced, through court order, by a man who has not been elected. A more violent usurpation of the powers and prerogatives which our Constitution has lodged in the hands of the voters has rarely been witnessed. What hold the courts, when thus arraying themselves against the people, can have upon public confidence, it is for the prohibitionists to say, the sponsors of the ouster theory which was put into practice at their behest, and solely intended as an adjunct in enforcing prohibition. Until its invention, known processes of law were thought sufficient to safeguard the public against inefficient or corrupt government.

It is probable that the ouster law will eventually prove its own undoing. When political faction is arrayed against political faction it proves an exceedingly convenient club wherewith those who are out of office may wreak vengeance upon those who are in. In several counties in Tennessee ouster proceedings have been begun against county officials by their political opponents and on the most flimsy pretexts, involving such questions as that of public road-building. Meanwhile, popular government becomes a by-word, and turbulence, strife, and bitterness succeed peaceful order. Over the whole spectacle is written in large letters—PROHIBITION.

That persons whose ruling idea is to make opera-

tive laws directed against one evil may, in their effort, become the spokesmen of essential lawlessness is an easily understandable mental phenomenon. Accustomed to interfere with the course of justice and with representative government, it is natural that they should lack respect for property when it belongs to the liquor traffic. Therefore they demand its confiscation. In the absence of express provisions in our laws guaranteeing that no man shall be deprived of property rights that have enjoyed legal protection, without compensation, the question of the legality of confiscation may be purely academic. The economic significance of the interests involved is not the real issue, although, purely from a business point of view, reasonable people may regard apprehensively their prospective obliteration, for the capital involved in the production of liquors consumed in this country exceeds eight hundred millions of dollars, and its disbursements for materials, taxes, transportation, wages, and other objects during one year amount to nearly the same sum. All this is exclusive of the retail trade, the sum of whose capital, outlay for wages, rent, and supplies other than liquors, exceed one billion dollars per year. These figures far transcend ordinary comprehension, and the sudden extinction of the property and employment they represent would self-evidently cause financial disturbances on a scale rarely witnessed, affecting agriculture, industry, commerce, and banking throughout the land.

But even if it could be shown that this industry

and the trade under it comprehend the sum total of the social and political ills from which we suffer, the confiscation of its property without compensation would lack all justification. The expropriation of the entire retail business could, of course, not be contemplated. It is a commonplace thing to state that the traffic in intoxicants has not only enjoyed the same legal sanction and protection as other business, but has been utilized liberally for purposes of taxation benefiting all citizens alike. No public murmur is raised against participation in this "blood money," and an instance is probably yet to be recorded of a prohibitionist who has refunded to the local, state, or national government his pro-rata share from the taxes levied on the trade in order that he may not profit in any sense from the iniquitous traffic. Notwithstanding all this, the ruthless destruction of all the property involved is demanded as an act of justice, or is there a motive of retribution?

In other countries ethical principles in similar cases are followed when there is no direct legal requirement of compensation. So far as the liquor industries themselves are concerned, there seems to be no question. France even granted the manufacturers of absinthe compensation, and Switzerland reimbursed the growers of the plant from which the poison is distilled; Russia compensated the producers of vodka upon the abolition of the state monopoly; England expropriates ancient rights to sell liquor for a reasonable consideration; and in countries where

the underlying principle has recently come up for discussion, as in Norway and Sweden, there appears to be no disagreement about the equity of compensation even for old selling privileges. The United States stands alone, and, may we not say, in the unenviable position of being willing to derive a large part of its revenue for state and Federal purposes from the liquor traffic, in long years representing billions of dollars, but ready to destroy by vote the creature of its own protection and profit without a cent in return. The might is there, also the "legal" right, but where the justice? If the principle of confiscation without compensation be generally defensible, we might, as the next step, at the behest of Anti-Tobacco leagues prohibit the growing, manufacture, and sale of tobacco, which also form an important item of revenue to the Federal government, and let those made to suffer bear their own losses.

The final element in considering the relation of prohibition to government is how its non-enforcement affects the public mind. The introduction to the first volume published by the Committee of Fifty sketches this aspect of the situation as follows:—

“There have been concomitant evils of prohibitory legislation. The efforts to enforce it during forty years past have had some unlooked-for effects on public respect for courts, judicial procedure, oaths, and law in general, and for officers of the law, legislators, and public servants. The public have seen law defied, a whole generation of habitual law-

breakers schooled in evasion and shamelessness, courts ineffective through fluctuations of policy, delays, perjuries, negligences, and other miscarriages of justice, officers of the law double-faced and mercenary, legislators timid and insincere, and candidates for office hypocritical and truckling, and office-holders unfaithful to pledges and to reasonable public expectation. Through an agitation which has always had a moral end, these immoralities have been developed and made conspicuous."

The day before Christmas of 1915, a news dispatch was sent broadcast over the country telling that the saloons of Portland, Maine, had been closed by the chief of police. No surprise was expressed that such institutions should still exist after sixty years of prohibition; nor was it intimated that they would be suppressed for good and all. Only two questions were asked: First, When will the dealers open again, and second, the more significant of the two, What is the political move behind the order to close? The Republican State Convention in Maine, held at Portland in March, 1916, indorsed national prohibition and during its session the saloons of Portland were ordered to keep closed. These instances are commonplace enough, but it illustrates abundantly the demoralization that seizes upon society at large when it tolerates such conditions.

A community whose public policy centers about the question whether prohibition shall be enforced loses its political sanity. The sense of right becomes



warped when habitually in elections the fitness of a candidate is measured by his stand in relation to enforcement, and schooling in evasion and hypocrisy becomes an equipment for public affairs. Disrespect for public service, all too frequent in American life, augments ten-fold, and low standards are taken for granted.

High-minded individuals may writhe helplessly under such a condition; the political parties do not heed it as they jockey for position. But a party creed declaring absolute loyalty to a law while totally indifferent to its violation in letter as well as in spirit, is no choicer than the party creed definitely opposed to the same law or actively aiding its evasion. When enforcement is made a constant issue, the influence upon the public is bad enough, but when complete apathy settles upon a community, or the patrol wagon makes an occasional trip merely in search of revenue, decent respect for the government has ceased. A prominent publicist and investigator told the writer that he had remained a steadfast prohibitionist for many years until he came to live for a while in a prohibition state and observed the corroding effect on the public mind that is dominated in all its relations to government by the consideration whether fundamental and statutory laws shall be honored.

Gravely we are told to make light of such disquieting symptoms, to discount the aberrations of the zealots who really mean to vindicate pure government although their actions may seem to belie it. For

when the sun of national prohibition rises it will melt away all the impure ice that encrusts sumptuary law unenforced; its rays will make virtue spring up in the habitation of vice, dissolve all hostile opposition, and cause personal and civic morality to flourish in barren places. Does the picture allure by its verisimilitude, or shall we face the pitiless facts?

What the future may hold in store we can only forecast from the present, and so far, unfortunately, the promises of prohibition have far outstripped performance. Some day no doubt society will be ready for measurement by new standards; but until then progress is not made by adding new evils to those that now burden us.

## CHAPTER IV

### DRINK REFORM IN FOREIGN COUNTRIES

ONE of the significant by-products of the great European war has been the emotional outburst against alcohol—*le delirium anti-alcoolique*, as the eminent economist, M. Yves Guyot, calls it. The appellation is not undeserved. Several lands have latterly exhibited a species of hysteria about drink which augurs ill for the stability of some of the suppressive steps taken, after the alarms of war have died out. Much has already been written on the subject, but very little in an informing vein. Fertile imaginations have played with it; publicists have glorified the new-found zeal for abstinence in co-belligerent countries; and often the writings reveal the clumsy hand of the propagandist, who does not hesitate to make capital even out of desperate conditions.

The war measures against drink abuse are only in a limited sense outcroppings of the world temperance movement. They have sprung from extraordinary circumstances of a more or less temporary character. Instead of indicating the high-water mark of advance, they tend to obscure the solid temperance progress as well as the means by which it has been achieved, and so far as they overreach the aim, point

to an uncomfortable reaction. Since war measures against alcohol have been uppermost in the public mind, it is reasonable to begin with an examination of the status of liquor legislation and reform in the belligerent countries, and follow with a cursory view of the legislation and progress of reform in other foreign countries.

## I

## RUSSIA AND FINLAND

The abolition of the government vodka monopoly stands out as the most spectacular event in social legislation incident to the war. The time was peculiarly adapted for it. Periodic as well as habitual intemperance has long been a sore trouble in Russia, especially in the peasant villages. Whether it had been fostered by the vodka monopoly, which replaced a practically unrestricted home distillation, may well be doubted. We know that production of vodka increased, thanks to the industry of the landed gentry controlling the distilleries, and that the government coffers swelled in proportion. In the years immediately preceding the present war, the government had persistently clung to its drink monopoly and issued many a publication purporting to show its benevolent character as a means of counteracting drunkenness, both through the control of sales and by substituting tea-houses, theaters, and other places of recreation for the vodka shop. Why, then, this sudden reversion

of policy? The Czar's ukase abolishing the monopoly bears certain marks of impulsiveness rather than of calm deliberation. The underlying motives appear to have been mixed. It was vitally important to prevent a repetition of the drunken orgies which had marred and hindered the mobilization of troops in the Russo-Japanese war. But there was more back of it than military caution. A great wave of emotion swept over the country, partaking of the nature of a religious frenzy. No sacrifice was too great for the cause of Holy Russia. Psychological conditions were opportune for a drastic step, and the thing was done. The population at large, including officials and even the formidable temperance party, was taken by surprise. There was no time for discussion, much less for a readjustment of affairs; and clear prevision of events is not a characteristic of a despotic form of government which exacts blind obedience and discourages questionings.

Sufficient time has elapsed since the abolition of the government vodka monopoly to form a reasonable judgment about the effects, although it is difficult to forecast accurately the future trend of Russian liquor legislation. The evidence relied upon by the writer is partly contained in personal communications from Russian officials, and in reports from different legations of neutral countries at Petrograd, and is largely obtained from a systematic search of representative Russian publications, some of them, like the *Novoye Vremya*, stanch supporters of the prohibition policy,

and none of them daring probably to dish up falsehoods about the situation.

It is the common opinion that the government will never revive the vodka monopoly. Whether the sale of this article and of spirits generally will remain under absolute prohibition after the war is another question. The purposes of the imperial council are not clearly defined. Local conditions in many instances are chaotic. The production and sale of vodka are forbidden by an imperial ukase, but the local communities, through town or provincial councils (*zemstvos*) enjoy the privilege of local option in regard to other alcoholic drinks. In the first flush of enthusiasm prohibition carried the larger part of the country. To be sure, in some instances, governors refused to give effect to the will of councils. Thus, in Kaluga, the governor twice vetoed the prohibition regulations adopted by the council. And exceptions were made in favor of hotels, restaurants, and clubs. But the *mujik* and the laborer, whose sole indulgence is in vodka, were made to feel all the rigors of prohibition.

During the first weeks there seems to have been some ardor for the unaccustomed virtue of abstinence. But the spacious claims spread throughout the world about a Russia sober and regenerated have not been verified. Amiable publicists like Mr. Stephen Graham and others, out of love for their allies, incline to draw on imagination rather than on facts in picturing the new Russia. In truth, no sooner had

the country begun to realize the wide bearing of the drink rescript than all the ills accompanying unenforced prohibition sprang up, from the Baltic to the remote Asiatic east. Perhaps the region least affected was the Caucasus, where wine is the staple drink. The story has such a familiar ring! What the government denied the people, it soon began to supply by illicit means. According to the reports of the Minister of Finance, during the six months following the prohibitive measures revenue officers discovered 1,825 secret distilleries manufacturing a special brand of whiskey known as *kumusha*; 160 distilleries fitted out with the most modern machinery for making vodka; 92 distilleries especially designed for filtering lacquer and varnish; and 60 distilleries engaged in filtering denatured alcohol.<sup>1</sup>

Another drink manufactured on a large scale is known as *khanza* and consists of wood alcohol, pepper, and other spices. Even more popular is the so-called *kvasok*, made from cider, wild hops, dry yeast, a little alcohol, and snuff. It is reported sold in huge quantities, and its effect is explained by citing the peasant saying: "Spill something on a pig's tail and it will get bold."

So widespread has illicit distilling become, not only in the populous centers like Petrograd and Moscow, but in many distant provinces, even in Irkutsk, that the government has increased the amount of the fine from 2,500 to 6,000 rubles and the term of im-

<sup>1</sup> *Ryetch*, Petrograd.

prisonment from two months to one year and four months. Still the traffic shows no abatement, and in Russia immunity from arrest is a purchasable commodity. So insistent has been the demand for alcohol that substitutes in the form of denatured alcohol, eau de cologne, *politura*, and the like have been consumed in large quantities despite their dangerous effects. From Kiev, Riga, Tambou, Penza, Simbirsk, Vilna, Nijny Novgorod, Charkov Kursk, Moscow, Petrograd, and innumerable other places come reports of deaths and poisonings from these liquids. Medical societies have found it necessary to caution the public against the use of denatured alcohol, and have even asked permission to post notices of warning in the streets and other public places. A commission of the Petrograd Ophthalmological Society reports that there had been treated at two named hospitals, up to April 15, no less than 2,882 persons whose sight had been impaired by drinking denatured and wood alcohol, varnish, and so forth. Of this number 27 died. During the same time, 138 persons had been brought to the eye departments of two Petrograd hospitals, who had become blind or suffered a marked loss of sight from the same cause. Dr. Novoselski, writing in the *Ruski Vrach* (Petrograd), cites the official returns of deaths from delirium tremens and remarks, "Before prohibition the mortality figures varied and changed without definite regularity; after prohibition they show a regular and constant increase. As prohibition regulations became stricter



and at last complete, the mortality from alcoholism increased." He argues from the mortality statistics that substitutes for vodka "are used not only by confirmed drunkards, but generally by those classes who before prohibition used to drink moderately." The recent victims of alcoholism in Petrograd were "persons of all ages and all occupations."

Such is the saddening answer to the well-intended prohibition of vodka, for which no substitute was offered. It agrees ill with the popular conception of general sobriety throughout the Russian dominions which has universally been applauded. The story of it carried abroad by the press unhappily belongs to the claptrap of war times. At first there were some superficial signs of general abstinence. Our newspapers have featured the intelligence that drunkenness had disappeared from the streets of Petrograd. And now? The *Ryetch* reports that during six days in April and May, of 1915, 783 persons were sentenced for being drunk on the streets. The severe penalty—the fine of 100 rubles or a month in jail, or both—does not seem to have a deterring influence.

A writer in the *Ryetch* comments thus on the general situation: "The sun of sobriety has set before it reached the zenith. . . . The village folk had hardly time to wear out the boots in which they marched after the coffin of the 'monopoly' before tens of thousands of illicit distilleries of liquors, factories of all kinds of strong drink, came into existence. . . . It would be naïve and ruinous to regard

the work of reform as completed. On the contrary the task is all ahead. . . . Vodka played a great part in our peasant life, and its disappearance creates a greater or less vacancy which in some way or other must be filled. . . . There also come reports that the village folk are becoming addicted to gambling and that a passion for it is seizing the whole mass of peasantry. In short, everything points to the fact that the sobering of the people cannot be accomplished by the simple discontinuance of the traffic in liquor. It is necessary to occupy their leisure in some interesting and instructive manner; otherwise the reform, so grandiose and full of beautiful possibilities, will yield negative results."

In the same strain speaks the *Novoye Vremya*, which is a strong adherent of prohibition: "It must be admitted that the great historical act by which the traffic in liquor was forbidden found the country far from prepared to replace the drunken haze by sober pastime. . . . But only now [ten months later] has the question occurred, how to fill the spare time thus gained. . . . Just a bare prohibition of vodka after the war would be only an injunction which could be circumvented. It is necessary to divert the population from vodka, to cultivate a taste for a different employment of their leisure."

How the government will cope with the many unforeseen difficulties that have arisen remains to be seen. Well-informed opinion inclines to the belief that while the ban on vodka will remain, the sale of

beer may be permitted and that of wine be made free; for Russia, it should be remembered, is sixth among the wine-producing countries of the world. A complication is likely to occur through her position as a large debtor nation to France. It would be a serious blow to the powerful distilling and wine-growing interests of France to find the Russian market closed. On the other hand, were France permitted to flood Russia with cheap brandies and liquors, prohibition would get another setback. Meanwhile local communities seem increasingly inclined to exercise the option granted by law and provide for the sale of fermented beverages. This has been done in Minsk, Bobroysk, Igumen, Riga, and many other places. Except on the part of the distillers and similar interests there seems to be no disposition to advocate a return to the manufacture and sale of vodka. At a public conference held in Petrograd during the spring of this year, the perpetual prohibition of the sale of whiskey was advocated. Beers and wines, however, especially wines, were held to have a desirable effect on village life, and the ministry was requested to act accordingly. The Minister of Commerce has already recommended that the sale of beer and wine containing not more than sixteen per cent of alcohol be permitted.<sup>1</sup>

Information received from Russia since the above was written confirms the statements made about the difficulties of enforcing prohibition. *The Ryetch*

<sup>1</sup> *Birzhevyia Vyedomosty*, Petrograd.

(Petrograd) of October 7, 1915, gives an extended account of a session of the Petrograd Municipal Commission to Combat Drunkenness. Among the many witnesses a medical inspector of the city testified that in spite of the prohibition of vodka drunkenness has continued, and that while the administration had made efforts to prevent it by passing special laws, it had not succeeded. In Petrograd alone, according to a statement of the Revenue Department, the drug stores (119 in number) and hospitals had purchased more than 154,000 gallons of pure alcohol between January 1 and September 1, 1915, while cologne and cosmetic establishments during the same period had bought more than 217,000 gallons of pure alcohol. The activities of druggists dispensing not only pure alcohol but various tinctures containing it, appear to continue in spite of the legal restrictions. Many noxious substitutes for vodka are used. Cologne seems to be one of the favorites. During the month of August, 1915, no less than sixty new places were opened for the manufacture of cologne. The *Ryetch* concludes that the sale of alcohol is growing rapidly and that the demand for it in the preparation of cologne is increasing.

The Budget Commission of the Duma at its December session discussed at length "the war on drunkenness and other questions growing out of the abolition of vodka." Evidently none of its members was disposed to advocate the legalization under any form of the sale of vodka; but it was equally ap-

parent that there is among them a profound dissatisfaction with the way in which prohibition has worked out. One member of the Budget Commission (M. A. Karaulov) declared that "the measures adopted to combat drunkenness do not accomplish their object." Another member (E. S. Kliuzhov), said, "If the Government really wants to abolish drunkenness it is up to the Minister of Finance categorically to declare that the sale of vodka will not be renewed after the termination of the war," and added, "Prohibition is not enough to sober the Nation." Some of the criticisms made by other members were stricken out of the newspaper reports by the Censor. Finally, the Minister of Finance (M. Bark), replied, "I find it important categorically to announce that all suspicion that the Government intends to renew the sale of vodka is unfounded. I categorically announce that the Government will support prohibition, and that there is no chance of a return to the former state of affairs. . . . The question of permitting the sale of light drinks (beer and wine) has not received any final action, as this matter is left in the hands of the city councils."

In his recommendation to the Duma of laws imposing penalties for violations of the revenue statutes and for public intoxication, M. Bark wrote: "On the restoration of normal life after the close of the war, there is no doubt that the present extraordinary measures for preserving sobriety will be revised. Up to the present time the changes that will follow can-

not be determined, and their consideration is a matter for the future."

This somewhat cryptic utterance is hardly to be considered as a hint that the government will resume the sale of vodka in some form although it has been so understood. In approving the estimates which included a million rubles in aid of societies whose object is to prevent drunkenness, the Budget Commission recommended the preparation of a law providing for permanent prohibition in Russia.

The Government still manufactures alcohol and carries about 8,000 employees on the pay-rolls of the distilleries, having discharged about ten times as many. There is a goodly supply of vodka on hand owned by the Government—about eighty million vedros (a vedro equals 3 1-4 gallons). There is considerable uneasiness about this. One deputy recommended that the vodka be destroyed, "since the losses brought about by the embezzlement of the vodka might be greater and more important to the Government and the community than the losses incurred by destruction" (here the Censor deleted some lines). The Budget Commission recommended the removal of the stored vodka from the war zone, or if that proved impracticable its destruction, also that its exportation and use for technical purposes be encouraged. The Agricultural Department has recommended that the Duma enact laws to prevent development of opium smoking and suggests a penalty for it of imprisonment for one year and four

months, together with a fine of 500 roubles. This is regarded as "necessary in view of the prohibition of the opium traffic in China and its development in our far Eastern states where peasants rent land to the Chinese for the purpose of raising poppies from which opium is extracted." The habit of smoking the drug is beginning to develop in Russian cities, it is said. In certain quarters much has been made of statements from Russia concerning the increase in savings bank deposits as evidence of economic improvement since the abolition of the vodka monopoly. It is, of course, impossible at this distance to judge how far sobriety has been the most important factor. Statistics of wealth are notoriously of uncertain value in gauging the state of sobriety in any community. Applied to our own states, they make it possible to prove the most absurdly contradictory conditions. It seems probable, however, that in the country districts of Russia there may have been a greater saving because less money was being spent for vodka.

Russia is learning lessons that should have become trite in this country. Perhaps the chief among them is this: if sumptuary legislation creates voids in social and community life without seeking to fill them by acceptable substitutes, its ends are sure to be defeated. In the space of less than one year Russia has suffered most varieties of ills resulting from premature prohibition. But fortunately they are recognized and fully acknowledged by temperance reformers. Herein lies the promise that the evils will be

overcome by limiting prohibition to vodka and its equivalents. That done, the abolition of the government monopoly will stand as a momentous achievement. But the experience of Russia illustrates that even in an autocracy a social reform cannot be effected merely by ukase when public opinion refuses to support it.

*Finland:* In no European country is the per capita consumption of alcoholic drinks so low as in Finland which, although it is a Russian province, has hitherto enacted its own legislation for the control of the drink traffic. Given in terms of pure alcohol, the per capita consumption amounted to 1.56 liters for the years 1906-1910. After long times of persistent temperance agitation the Finnish One-Chamber Parliament in 1909 passed in its final form a law prohibiting the manufacture, importation, transportation, and sale of "alcoholic fluids" except for technical, medicinal, and scientific uses. The law was refused sanction by the Russian Government although the Russian military force in Finland was distinctly exempted from its provision. It is interesting to observe that even this drastic law permitted the use of alcoholic beverages containing less than two per cent (volume) of alcohol:

Under the existing license law all sale of spirits is, with some minor exceptions, confined to the towns. The rural districts are practically under prohibition so far as the sale of spirits is concerned. In the towns no spirits may be served except with hot



food. Licenses are granted for three years at a time by the municipal council and may be renewed or withdrawn as circumstances demand. The licenses may be turned over to private disinterested companies which may turn over some of its privileges to hotels and restaurants but exclusively for the sale of imported spirits. The laws governing the traffic in spirits apply generally to the sale of wine and beer. It is absolutely forbidden to serve beer and porter in rural districts except at hotels which have been granted the privilege of selling to travelers.

The traffic in light malt drinks (containing not over 2 1-2 volume per cent of alcohol) is open to any one permitted to engage in trade. In practice the exemption holds good in regard to beer containing less than four-volume per cent of alcohol. While the war lasts the sale and serving of all spirits is prohibited except at first-class restaurants. The same appears to be true in regard to wine; but persons who can present a satisfactory certificate from the police may buy beer, not exceeding a stipulated quantity.

## II

## FRANCE

In France, too, the war has helped to draw the public mind to the drink problem. Economic interests and military considerations have given it prominence. The question of drink reform has gained impetus also from the favorable publicity given the

Russian experiment as well as from the characteristic British growl about the effects of drink upon the productiveness of the laboring classes. Of course, the temperance politician has utilized the unusual opportunity for agitation; and the inevitable alarmists have preached abstinence as the price of final victory. It does not appear, however, that the military conditions have been complicated by the drink situation. Commanders are given ample authority to take the necessary precautions without making over the habits of the soldiery.

The one great forward step in France has been the abolition of absinthe, but, contrary to popular belief, this was not a war measure. The country at large had become convinced of the ravages of this toxic drink, and steps to do away with it antedated the war. At the various sittings of the French Assembly since the beginning of hostilities the question of restricting the liquor traffic has been freely debated, but so far there is no prospect that radically constructive laws will be passed. The most recently introduced bill would give prefects or departments authority, while the war lasts, to regulate, limit, and even forbid the sale of alcoholic beverages except wine, beer, cider, perry, and hydromel. Of course, this is a war measure pure and simple; it does not go to the root of the drink issue, and in consequence has been bitterly assailed by *les tempérants*, who in this instance cannot be called apostles of an empty enthusiasm.

Within three generations the drink habits of France have undergone profound changes. It was one of the soberest countries of Europe and has become the most alcoholic. According to Dr. Bertillon, the consumption of alcohol has increased about sixfold in sixty years. Various forms of distilled liquors have supplanted wine as a national beverage. Some have tried to connect this phenomenon with the growth of the absinthe habit; it is, however, a product of the unrestricted liberty to sell spirits. In France there is one drink-shop, in which alcohol of all kinds can be sold, to 82 inhabitants; while in England there is one to 430, in Sweden one to 5,000, and in Norway one to about 10,000 inhabitants. Only the Belgium of ante-bellum days could vie with France in the number of drink-shops.

During the forty years preceding 1908 the establishments selling intoxicants had increased by 91,240, or twenty-four per cent, which was far in excess of the growth of the population. In some districts there was one license to 38 inhabitants, women and children included. One village in Cambrai had one drink-shop to 10 inhabitants, and the Commune Déhiries of twenty-one qualified electors had five places in which liquor was sold.

The real factor back of this extraordinary condition is the distilling interest. There are more than 1,300,000 distillers in the country, says Dr. Bertillon, who estimates the number of wine-growers to be even greater. Practically there is no restriction

upon the distillation of spirits from cereals and fruit. Under the law any householder may produce five gallons of spirits for home use free of taxes; but in reality thousands take advantage of lax supervision to manufacture spirits for sale. It has been asserted that there are upward of a million places throughout France more or less engaged in this fraudulent practice. Whatever the number may be, we know that over large rural areas the peasantry not only make and drink spirits, but offer it for sale at incredibly low prices.

The outcry against drink in the France of to-day has therefore grim reality behind it. Visible drunkenness may be less than in several other countries, but spirits, in the shape of *apéritifs*, liqueurs, and so forth, are now so much a part of the daily diet of the peasantry, and of laborers in particular, that they have become a national menace. This discovery is not new, nor are temperance reformers and scattered scientists the only ones who have drawn attention to it. In May of 1915 the syndicalist workmen groups of all trades represented at the Nantes Labor Exchange (Loire-Inférieure) unaniously declared that the "multiplicity of drinkshops and the diversity of harmful products displayed are a real and ceaseless provocation" to alcoholism, which, they say, bears especially hard upon workmen's families. Therefore they indorse the edict against absinthe and "approve the suppression of all similar substances and the special privileges

accorded distillers." The same resolutions were adopted by the dockers at Havre.

Solicitude over the drink situation is likewise marked among the intellectual classes. The French Academy of Medicine has long labored with it. France was one of the prime movers in the formation of the International Committee for the Scientific Study of the Alcohol Question, under the presidency of ex-President Loubet, while M. Alexandre Ribot, now Minister of Finance, is chairman of the French section, which counts many distinguished members. France also possesses a varied, if not especially significant, anti-alcohol literature. Why, then, does temperance reform progress so slowly? It has been said that "No French minister of the present day is bold enough to stand up against the wine-growing industry or the 1,378,000 distillers." That may be an exaggeration, but skirts close to the truth. It is no secret that the powerful distilling interests have directed French diplomatic objections to the enactment of prohibition in other countries,—in Finland, for instance,—and that they have insisted upon the right (much against the advice of the colonial administration) to sell cheap brandies among the Mohammedan population of North Africa, the Negroes of French West Africa, and the people of French Indo-China, Madagascar, and other places. These interests are undoubtedly the mainspring of the "curse of alcoholism" both at home and abroad.

Then in France, as in many other countries, the

cause of sobriety suffers from the intemperate zeal of certain reformers. The rise of a political temperance party is not welcomed, with its aspirants for political honors who are willing to bend their necks to that species of temperance servitude without conviction which is so ingloriously exemplified in our own country. Even in the stress of war, any interference with personal habits is peculiarly obnoxious to Frenchmen. Wrathfully M. Guyot exclaims apropos of the proposed drink regulations:—

“Les tempérants, atteints d’un ‘delirium,’ pire que le ‘delirium tremens,’ piétinent, déchirent, et saccagent les principes élémentaires de la liberté individuelle et du respect de la propriété! Leur intoxication intellectuelle et morale est autrement dangereuse que toutes les intoxications alcooliques.”

Of prohibition as a policy there is little discussion. To be sure, the National Council of French Women recently declared for the complete prohibition of the sale of spirits, but only as a war measure, apparently.

Reasonable leaders of the temperance movement, like M. Joseph Reinach, recognize that the French people will not surrender freedom of action to legislation and cannot be coerced into greater sobriety. Therefore its program is limited to a restriction of selling privileges and a better control of the distillation of alcohol. In 1911 the French Senate, following the recommendation of M. Reinach, adopted a law permitting one licensed place to 200 inhabi-

tants; the effect of which would be to reduce the total number to about 180,000. Towns and country districts with less than 600 people would be restricted to three licenses. The law also contained certain limitations in regard to the sale of spirits containing more than twenty-three per cent of alcohol; and some exceptions were made in favor of places selling only "hygienic drinks," wine and beer. Under this law the prefects and departmental health boards were made the licensing authorities and not the mayors and municipal councils as previously. This law was accepted by the Chamber of Deputies but did not become operative until 1915. Apparently it was superseded by military regulations. In order to limit distillation some communes have established their own distilleries. The real temperance campaign in France is directed against distilled liquors, which are held responsible for the alcoholism from which France has suffered. There is no thought of stopping the sale of beer and wine. Rather the effort is to encourage their use as the accustomed and natural beverages of the people in its temperate days. War times seem to have diminished drinking generally, but not through law. The soldiers still receive their ration of rum, says an undoubted authority, though it is not acknowledged officially. M. Vidal, of the Academy of Medicine, recently asked for a resolution demanding the regular distribution to all soldiers of a hygienic beverage—wine or beer. And Professor Landouzey has called attention to the deficiency of the

French army ration in carbohydrates, which he would equalize by adding an allowance of wine.

That the French temperance movement has been stimulated by the war is patent. What its final direction will be cannot be predicted, for as yet it has not recorded notable triumphs.

### III

#### GREAT BRITAIN

The recent heroic onslaughts upon the drink traffic by Mr. Lloyd George and others ended tamely. England did not respond to the call for prohibition, or show any patriotic enthusiasm for personal abstinence. The castigation of the workmen, whose drink habits were blamed for delay in producing war materials, and for general inefficiency, reacted unfavorably. Other shortcomings were brought to light, although gross intemperance among laborers could not be denied, and quite likely it had been stimulated by the peculiar circumstances caused by the war.

When a coalition government was formed, all prospects of radical drink laws waned. The Liberals, who profess a leaning toward temperance reform, had proved unequal to the task; and since the Unionists and Conservatives, as parties, do not incline to drink reform, the visions of national prohibition faded rapidly. The agitation and turmoil of weeks yielded as a net result the establishment of a commission endowed with large discretionary power in control-



ling liquor selling within munition and transportation areas. Mr. Lloyd George's proposal to nationalize the drink traffic was not laid before Parliament. The more extreme temperance interests did not approve it; the cost and financial risk were prohibitive; and to instigate a country-wide fight on the drink issue during the war might mean a political disaster. Nor was it found practicable at once to close the distilleries and stop the sale of spirits, for this demanded a compensation to the trade to which the teetotalers generally object.

The work of the Board of Control seems to have given a reasonable amount of satisfaction. The earlier closing hours, stricter supervision, and curtailment of other privileges appear to have had a wholesome effect. How much is attributable to better regulations and how much to the sobering conditions of war it is difficult to say. The attempt to arouse enthusiasm for personal abstinence at least during war times cannot be said to have been especially successful. Whether the experiences with the new method of controlling the liquor traffic have been sufficiently encouraging to warrant the eventual nationalization of the business, as some hope for, is another question.

At this writing (March, 1916), however, a very radical step has been taken which promises to have a wide effect in diminishing the consumption of spirits. Under the Defence of the Realm Act Mr. Lloyd George has taken over most of the distilleries in Great Britain, to the number of more than eight

hundred. Their output is to be utilized, so far as needed, for technical purposes incident to the war. Another purpose is probably to conserve the grain, corn, and potatoes used in distilleries. Although large stocks of spirits remain in the hands of dealers, the increase in price and the cessation of a new supply will necessarily result in a greatly reduced consumption. Especially will the sale of gin be curtailed, which in England is perhaps the most prolific source of alcoholism. According to Mr. Lloyd George the apprehensions for drunkenness have decreased by about forty per cent. How much of this is due to abnormal conditions of the population on account of the war and how much to the restriction of drink-selling it is impossible to say.

The drink evil is undeniably acute in England; that Mr. Lloyd George's major proposals were defeated does not prove the contrary. The teetotalers have made comparatively little progress; and because they are merely repressive, the liquor laws of England have failed to check intemperance. In licensing, the practice of the justices lacks certainty and uniformity. The many and complex laws as well as local regulations are merely restrictive—to prevent excesses on the part of the vender. Constructive principles, without which drink reform is but a transparent show, are wholly wanting. Perhaps the worst feature of the situation is the so-called "tied-house system." It means that the trade has acquired about ninety per cent of the licensed drink-places in the

country and furnishes the retailer his capital, so that "though he is a tenant in name, he is often but a slave in fact." The sole object of a tied house is to push the sale of drink, for that alone gives it value to the owner; and legislation helps on this condition by making the size of the house, not the quantity of liquor sold, the basis of taxation. In other words, the law holds out a premium to the licensee who can sell the greatest quantity of alcohol in the smallest possible selling space! Diversions and attractions other than drink are not encouraged, and in some places are absolutely forbidden. It is said that the technicalities of the licensing system can hardly be understood by a layman; it seems in part to assume a tied-house system and helps to perpetuate it with all its faults.

The licensing statistics of England point to an increase rather than a decrease in drunkenness during the past three or four years. There has been a reduction of licensed places, but they have to a considerable extent been replaced by clubs which are exempt from license, limitation of hours of sale, and inspection. The situation is undoubtedly serious, and although sane suggestions are not wanting, there is little prospect of effective remedial legislation. The trade is conservative and will not yield.

Meanwhile England affords examples of practical reform through private enterprise in the so-called Public-house Trust companies. The trust system is in brief the Gothenburg system adapted to Eng-

lish conditions. Its cardinal principle is the elimination of private profits from the retail sale of alcoholic beverages, the business being conducted by paid managers under the control of directors who receive no pecuniary benefit other than a fixed maximum rate of interest upon the capital shares held by them, the surplus being devoted to objects of public utility. The managers get a commission on all sales except of alcoholic drinks, and thus have every incentive not to push that side of the business. Various amusements and other attractions are provided.

The experiments with the Public-house Trust system began at Aberdeen in 1895. Under the leadership of Lord Grey it has been extensively developed during the past fifteen years, although at the outset it was fought by the trade, misrepresented by the temperance party, distrusted by the officials and the public, and, as a voluntary affair, remained unassisted by legislation. Experience and capacity for the business had to be acquired by degrees. Yet the system grew and flourished: if a few companies failed, others were amalgamated and became the stronger. At present more than 320 houses are operated on the trust plan. One of the largest, known as the Home Counties Public-house Trust, manages 60 houses, "in town and country, slum and village, colliery and other industrial areas, and in lonely districts." As a business venture it has been successful. Beyond this it is sufficient to relate that "the company employs approximately 900 managers and assistants,

and during its ten years' existence has served more than eleven millions of customers. During the whole of this period not a single employee has been convicted of a breach of the Licensing Acts or in respect of any other offense." In these years "the non-alcoholic receipts have risen from less than ten per cent to more than forty-eight per cent of the whole."

The Public-house Trust system exemplifies what so many seem still to doubt—that drink-selling can be made respectable and be surrounded with a wholesome atmosphere. Of course, the ultimate object of Lord Grey, Mr. Arthur Sherwell, M.P., and other exponents of the company system idea may be to nationalize the retail sale of drink. Meanwhile they have provided a highly important object-lesson in practical methods of counteracting intemperance through the institution of "disinterested" for "tied-house" management in the public houses. An increasing number of temperance reformers is said to believe in it, but of course it is rejected by all who are obsessed with the idea of absolute prohibition as the only legislative measure they can countenance.

On a much smaller scale the disinterested company system has been tried both in Scotland and in Ireland. Scotland has also a licensing act of quite recent date which seeks to correct some ancient abuses and is said to have diminished drunkenness quite perceptibly, particularly by restricting the hours of sale. The law originated in 1912 and proposed, among other things, that on the petition of twenty per cent

of the voters an election must be held on these three issues: (1) a continuance of licensing as before; (2) a reduction in licenses (twenty-five per cent); and (3) no license. The first and second questions are to be decided by simple majorities; but in order to establish a no-license policy the majority must equal thirty per cent of the electors. If the election is in favor of no license the local authorities may nevertheless continue the old and grant new hotel licenses, which, however, permit sales only to resident guests. If the votes cast for no-license do not represent the prescribed qualified majority for local prohibition they are reckoned as being cast for a reduction of licenses. New elections may be demanded every third year.

The law was finally adopted in 1913, with few changes. Certain minor portions became operative in the following year, but those governing elections will not be in force until June, 1920. In order to secure no-license a majority is required of fifty-five per cent of the votes cast, which must constitute thirty-five per cent of the whole number of qualified voters.

#### IV

#### GERMANY

In Germany, the Great War does not seem to have aroused special concern about intemperance. Military safeguards have been adopted, and for economic

reasons the output of beer and spirits has been curtailed. The soldiers in the field have been allowed beer and wine, with modest quantities of spirits during the severe winter days,—at least so one gathers from private letters and newspapers.

But Germany, of course, has a drink problem; the statistics of consumption attest that, and in the eyes of many people it looms large. There, as elsewhere, the use of spirits causes the mischief. How the extent of known alcoholism compares with that of other countries cannot be determined. There is no evidence, however, that either the economic or the military powers of Germany have been greatly impaired by drink.

There are many active abstinence organizations, whose leadership is, in some instances, in the hands of men of note and scientific attainments. Their efforts are chiefly directed to teaching personal hygiene and advocating abstinence. The idea of prohibition in the American sense of the term is wholly foreign to the German people, to whom beer and, in some states, wine form an important part of the daily diet. And as prohibition is not an issue, the numerous political groups are still without a temperance party.

In 1915 the distillers were restricted to sixty per cent of their usual output of spirits, and sixty-five per cent of the whole quantity was ordered to be denatured, so that only thirty-five per cent remained for human consumption. The hours of sale have

been restricted and in Berlin orders were issued not to serve spirits of any kind to persons in uniform. In other parts of the country even severer regulations appear to be in force. The prescriptions of the Sanitary Division of the Army contain special warnings against alcohol indulgence which have been emphasized in orders of the general staff.

It is strangely difficult to obtain a complete presentation of the liquor legislation for the entire German empire. The Society Against the Abuse of Spirituous Drinks has for some time been engaged upon a large work intended to supply the need. The basic principle followed in licensing places to sell intoxicants is whether there is public need of it. Prior to the War the Reichstag had under consideration some changes in liquor legislation. The most important were: (1) Persons desiring to conduct a hostelry or to sell wine and beer as well as non-intoxicants, must have a license; (2) A license is to be denied when the petitioner for it is shown to be untrustworthy or liable to abuse the privilege in various ways; when the quarters to be occupied do not satisfy the requirements of the police; and when no necessity for the license has been shown. (3) Retail of spirits must not be carried on in connection with the sale of non-spirituous drinks or with the restaurant business. For the rest, the central State authorities are given a wide latitude in prescribing special regulations in the interest of civil control and the prevention of excesses. For liquor businesses existing at the time



when the proposed law becomes operative the right to continuance expires twenty-five years after the adoption of the law, even if no special license had been required.

If the German liquor laws offer little of interest to American students, much may be learned from the method of operating licensed places. The fact that specially fermented liquors are generally sold in family resorts in the best sense of the term no doubt has been a great help to sobriety; but this custom springs from national characteristics rather than from law, although legislation may be said to encourage it—an instructive contrast to our legal contrivances for “diminishing temptation.”

Germany is perhaps the largest contributor to the scientific study of alcohol, and from the varied literature on the subject both prohibitionists and other temperance reformers derive their arguments.

## v

## ITALY

Italy is beginning to have a drink problem, influences from the United States and the Argentine sharing the dubious honor of having helped to create it. So long as the Italians remained a wine-drinking people, they were counted among the most temperate in Europe, notwithstanding the fact that the *per capita* consumption, when considered in terms of pure alcohol, reached a very high figure. As in Spain

and Portugal, the habitual use of natural wines did not produce alcoholism and its brood of evils; but in recent years returning emigrants have transplanted the whiskey habit to what appears to be a congenial soil, for the Italian government has felt obliged to enact new laws curbing the traffic in spirits.

Previously opportunity to traffic in all kinds of spirituous drinks was practically unlimited. But in 1913 a law was adopted, to become effective January 1, 1915, which aims to restrict the abuse of alcohol. It provides, among other things, that no drinks containing more than twenty-one per cent of alcohol may be sold without a special license. Their sale is also absolutely forbidden on Sundays and holidays, as well as on days preceding elections. Licenses are granted by the communal authorities and a commission is established for each province. In communes or parts of communes in which the number of places for the sale of beer, wine, or alcoholic drinks of any kind exceeds one to five hundred inhabitants, no new license for retail use may be granted. The production, importation, and sale of absinthe is prohibited.

## VI

### AUSTRIA-HUNGARY

In Austria-Hungary, which is a conglomerate of heterogeneous nationalities, the drink habits vary greatly; also in regard to the kinds of beverages most

avored. Some provinces are chiefly beer- and wine-drinking; in others the use of distilled spirits is most prevalent. The *per capita* consumption of spirits for the whole empire is very high (see Appendix) and betokens a drink problem of great dimensions. The present liquor legislation is not effectual in coping with it and offers little that is instructive.

## VII

## BELGIUM

Prior to the Great War liberty in regard to the sale of alcoholic beverages was perhaps greater than in any European country. The law of 1912 had, to be sure, introduced a species of licensing system, but it did not require special moral or administrative qualifications on the part of the licensees except that persons guilty of certain crimes or having a prison record or having objected to pay taxes were denied selling privileges which were issued by a commissioner of taxation. The license tax fee varied from 300 to 1,000 francs according to the density of population in the place where it was to be used and was paid in advance once for all. When this law went into effect there were 212,000 licenses in force and the tax did not seem to diminish their number. It is stated that in 1913 the total number of places at which alcoholic drinks could be obtained was 240,000, or one to every 33 inhabitants. But as women and children were included in this num-

ber there would be one drink-shop to every 12 adult males. The income of the state from the drink traffic was reckoned to constitute about one-sixth of its total income.

## VIII

## THE COMMONWEALTH OF AUSTRALIA

The temperance movement in the Australian colonies is interesting because of its intensity and the experimental legislation rising out of the effort to introduce local option and general prohibition. The sentiment for abstinence was quite recently reflected in a resolution by the Federal Parliament providing for the establishment of a new capital of the Commonwealth in which the sale of intoxicants is not to be permitted. It is said that none of the old cities were selected because they all grant licenses. At the present time each state is supreme in regulating the liquor traffic, although effort is being made to have it placed under Federal control. In the following we shall concern ourselves chiefly with the laws relating to local option and prohibition.

*New South Wales:* Local option may be exercised in the following manner: At every parliamentary election the liquor question must be voted upon. Both women and men are entitled to vote and are called upon to decide: (1) For or against the continuation of liquor selling; (2) For or

against a reduction of the number of licenses; and  
(3) For or against no license.

In case the traffic is continued, all who are licensed to sell intoxicants within the election district may keep on with their business as before. But if a majority favor a reduction of licenses, a commission of three, of whom one must be a judge, decide which establishments shall be closed. The acceptance of prohibition self-evidently results in the cessation of all kinds of liquor selling, but producers may continue with their business for sale outside the prohibition district.

In order to obtain prohibition or the re-establishment of licenses, three-fifths majority is necessary and thirty per cent of the votes of the electors. A simple majority suffices to secure a reduction or a continuation of the traffic. The votes cast for prohibition when not sufficiently numerous to carry it are regarded as cast for a reduction of licenses. When prohibition is voted it becomes operative three years after the election. During the interim the licenses are called in gradually.

*South Australia:* In local option elections the number of licenses may be reduced in each local option district. First, however, 500 electors corresponding to one-tenth of the total number in the district, must appeal to the governor, asking that an election be authorized. An increase in licenses may similarly be petitioned for. At elections it may be voted to reduce the number of licenses,

to continue the prevailing number, and to increase it. A simple majority is enough to decide a diminution in licenses.

*Tasmania:* A law which becomes effective in 1917 prescribes, among other things, that the number of licenses existing in 1908 may not be increased unless a majority of men and women entitled to vote who live within a radius of one mile from the center where it is proposed to establish a drink place decide that the increase is demanded because of the growth of population.

In every civil subdivision (urban or rural) having more than one license an election is obligatory every three years, beginning in 1917, for the purpose of deciding whether the existing number of licenses shall be retained or reduced. In order to make the vote effective it is necessary that the majority consist of at least twenty-five per cent of the total number of electors.

*Queensland:* A law of 1912 which only became effective in 1914 makes no provisions for local option elections. Until 1925 only the question of reducing licenses comes before the voters. In 1916 the question is of a reduction of one-fourth of all the existing licenses; in 1919 that of a further reduction of one-fourth, and in 1922 of a reduction of another one-fourth. At each election one-tenth of the qualified electors must vote and a simple majority is sufficient to make the reduction effective. In 1925 prohibition may be voted on, but its ac-

ceptance requires a three-fourths majority and thirty-five per cent of the total number of electors.

*West Australia:* Local option will be introduced in 1921. A three-fifths majority is necessary for the adoption of local prohibition.

*Victoria:* This colony has largely copied the liquor legislation of New Zealand. Beginning with the year 1917 it may be decided at local elections to prohibit, decrease, or continue the traffic in intoxicants. At the present time Victoria has a so-called reduction committee which has authority to close all superfluous drink-places. It has been very active and during the years 1906 to 1912 closed 613 places.

*New Zealand:* In connection with the general elections to Parliament the voters are called upon to decide how far within each election district licenses shall or shall not be granted. In districts where licenses are in force it may be voted that for the future no licenses shall be granted or that the present regulations shall be continued. The question on the ballots is so worded that a vote is cast for or against a local return to the license system. In a license district a three-fifths majority of the votes cast is necessary in order to introduce prohibition; it is furthermore required that at least one-half of the qualified electors shall have taken part in the election. The same majority is required to enable a district to return to license.

In connection with local option elections a vote

is also taken on the question whether prohibition is desired for the entire state. In order to obtain state-wide prohibition the same requirements are prescribed in regard to majorities as in case of local option elections. If prohibition is adopted it becomes operative four years subsequent to the election and will cover the sale, manufacture, importation and possession of alcohol. Although prohibition may be adopted, it is necessary to vote every third year on the question whether it should be retained or repealed.

New Zealand was the first of the Australasian colonies which adopted the principle of popular election for or against licensing the sale of intoxicants. The first election took place in 1904, and resulted in a decisive defeat of prohibition. In that year all adult persons, women and men, were given the franchise. After five elections, in which the number of votes in favor of prohibition gradually increased, a majority for it was obtained in 1908. A large number of districts gave a majority for prohibition, but liquor selling was continued, as the necessary three-fifths majority had not been reached. In twelve districts liquor selling was voted out in 1911, the vote on state-wide prohibition stood 259,000 for and 205,000 against, or in favor of "national continuance." In 1914, 250,000 votes were cast for national continuance as against 247,000 in favor of national prohibition. In four years there has thus been a change in sentiment represented by 65,000



votes. During the same period there has been a very marked increase in the vote favoring a continuance of licensing within the local option districts.

Under local prohibition certain exceptions are made permitting the sale of intoxicants in military canteens, the sale at public auctions in amounts of not less than five gallons, the sale in the restaurant of the Parliament Building (an exception made in the case of one or two of the other Australasian colonies), and the sale for consumption off the premises of native wine made from grapes or fruit in quantities of not less than two gallons.

## IX

## CANADA

*Canada:* The Canadian liquor legislation approaches our own in essential respects. The only Dominion law is the so-called Canada Temperance Act of 1878, with certain changes made in 1908, which is effective in a number of counties and municipalities. For the rest, the sale of intoxicants is chiefly regulated by provincial laws. It does not appear that war conditions have necessitated far-reaching new regulations. A brief statement follows of the laws now in force in the various provinces.

*Prince Edward Island:* Is under general prohibition.

*Nova Scotia:* A prohibition law was passed in 1915, applying to all of the provinces except the

city of Halifax. It was defeated so far as this city was concerned by the casting vote of the speaker, but by a vote taken in March, 1916, Halifax will come under prohibition. The law is administered by the provincial government through deputy inspectors.

*New Brunswick:* The total number of licensed places remaining last year was 135, mainly distributed among cities and towns. Local option laws after the American pattern are available for small municipalities, and in some counties the Canada Temperance Act is enforced.

*Quebec:* Under a local option law passed before confederation about 900 parishes, almost two-thirds of the total number, have been laid dry.

*Ontario:* The Canada Temperance Act is in force and a local option law which requires a three-fifths vote for the abolition of the sale of liquor. In January of 1915 there were 535 dry local communities out of a total of 828; 328 were under local option, 45 under the Canada Temperance Act, and 162 were without licenses through administrative or other act. This number has since been increased. About 290 communities in the province still permit the sale of liquor. At the last session of the Legislature an Act was passed providing for a provincial license commission with wide powers. It gives the government almost a free hand, and the commission is said to have done valuable work in regulating the traffic and punishing offenders.

*Manitoba:* Not far from one-half of the local

communities have availed themselves of the local option law to exclude drink selling. Both political parties are committed to the abolition of bars in saloons. A recent election points to the adoption of prohibition.

*Saskatchewan:* A law went into force in July, 1915, which cancels all wholesale and retail licenses with the exception of the so-called "shop licenses" which the government avails itself of, following the methods of the dispensary system. No popular vote was taken before the law was enacted. It is provided, however, that the whole system of licensing may be re-established by referendum vote at the end of the War but not before December 1, 1916.

*Alberta:* The province adopted prohibition by popular vote in 1915. It does not go into effect until July of 1916.

## X

## DENMARK

For many years the consumption of spirits and beer has been notably high in Denmark. The law regulating the manufacture and sale of liquors had practically undergone no change from 1857 to 1912. Then after a careful study of the situation under the admirable leadership of Dr. S. Ussing, formerly Chief Justice of the Danish Court of Appeals, a new law was adopted. The principal changes adopted may be summarized as follows: A body of

independent legislation has been acquired governing the manufacture and sale of intoxicants. All alcoholic drinks containing more than  $2\frac{1}{4}$  per cent (weight) of alcohol have been placed under the same conditions in regard to sale. The communal councils have been constituted the licensing authorities, which means that public opinion now can make its influence felt in the selection of persons to be placed in control also of the drink traffic.

At the outset the law was regarded with more or less suspicion by the total abstinence party, but the opportunity to influence both the communal councils and the police administration has reconciled it. One effect of the law is to do away with the drinking clubs in rural districts that were established ostensibly for some beneficent object but really intended to give individuals a chance to sell drink without restriction. It also put an end to the distribution of liquors in stores, at public auctions, etc., where formerly it was permitted to give away liquors, from which much drunkenness resulted. It is assumed that the law will bring about a large reduction in licenses although previously their excessive number in proportion to population was not accompanied by a corresponding increase in the consumption of alcohol. Beer containing  $2\frac{1}{4}$  weight per cent of alcohol is free from taxation. An increasing number of brewers is engaged in producing it and show a continuous growth of output.

## XI

## HOLLAND

Although the consumption of spirits has always stood at a high figure in Holland, the fact does not seem to have occasioned a demand for very rigid temperance reform. Licenses to sell or serve spirits are granted by the magistrate and mayor of the respective communes except that hotel and club privileges are obtained from the provincial commission. The law establishes a maximum number of licenses in proportion to population, hotels excepted. In communes with a population of less than 10,000 there may be one license to 250 inhabitants, with a rising scale for more populous communes until those having more than 50,000 population are reached, in which there may be one license to 500 inhabitants. Licenses are granted for a year at a time and the license fee would be reckoned low from an American point of view. The qualifications demanded in licensees and the general restrictions prescribed by law are not of special interest. It is the duty of the Minister of the Interior to secure the enforcement of the liquor legislation. Inspectors and assistants appointed and discharged by the government aid him in his duties. In addition, the law of 1904 establishes communal commissions elected for a period of three years who serve without pay and whose duty it is to make the drink law effective. They are especially intended

to call attention to licenses which ought to be withdrawn by the licensing authorities.

The manufacture, importation, and sale of absinthe is forbidden.

In order to serve beer, wine, and alcohol-free drinks no special license is required, but simply a commission from the same authorities that grant spirit licenses. The same general regulations govern the sale, but there is no limitation upon the number of places.

## XII

### ICELAND

This colony of Denmark, with less than 80,000 inhabitants, is the only country in the world legally under absolute prohibition. Except for an unsuccessful experiment in the Swedish Lapmark years ago, this is the first known attempt of its kind. Already, in 1900, the manufacture of alcoholic drinks was forbidden, and in 1908 a general election was held in which 4,645 votes were given for total prohibition and 3,181 against, only males voting. The new prohibition law became wholly effective January 1, 1915, and forbade the manufacture, importation, and sale of all spirituous drinks containing more than  $2\frac{1}{4}$  weight per cent of alcohol. An exception is made in regard to the importation of alcohol for medical and industrial purposes, and communion wine may be imported by certain ec-

clesiastical officials. Very strict regulations are in effect to prevent a misappropriation of alcohol under the exemptions mentioned. Dealers who at the time the law went into force had alcoholic goods left over were obliged to make a report of this fact, whereupon the goods would be placed under seal and the owner obliged to remove them from the country within 12 months. Private persons who on the 1st of January, 1915, were in possession of spirits were not obliged to export them but had to declare the goods to the chief of police; at the beginning of each year a similar declaration must be made until the goods have been used up.

Drastic penalties are imposed for illicit sale. If spirits are found in the possession of any person who is incapable of or refuses to explain how he obtained them, he is considered guilty of violating the law. Severe penalties are also imposed upon doctors for improperly making out prescriptions for alcohol. Intoxicated persons are obliged to declare to the court where they obtained the liquor.

The prohibition law had not been long in force before the usual signs of its violation and circumvention appeared. According to newspaper reports there has been considerable smuggling of liquor brought to Iceland in fishing boats and other vessels. In the absence of an extensive revenue and police service the opportunities would appear to be many. The law has not had a sufficient test, how-

ever, to allow a definite conclusion in regard to its operation.

## XIII

## SWITZERLAND

Each canton has its own separate laws governing the sale of liquor; while they are very similar their enforcement varies. Licenses to deal in intoxicating beverages granted by the Department of Finance upon recommendation of the communal district councils.

One of the chief clauses in the Swiss alcoholic legislation is the portion in regard to "necessity." It is assumed that no license shall be granted unless it meets a well-defined public demand, and new licenses are denied in case there is reason to suppose that they may work harm to the community.

The number of licenses permitted in proportion to population varies greatly. For instance, in Thurgau one is permitted to 100 inhabitants, but in Aargau there may not be more than one place for serving spirits to 250 inhabitants. In many places a high-license system has been introduced.

In Switzerland the manufacture of spirits is a state monopoly, and ten per cent of the profits are distributed directly among the different cantons for the purpose of combating alcoholism. It amounts to about half a million francs a year. During 1914-1915 it was not permitted to distill spirits.



The selling of spirits by the monopoly for human consumption has apparently been given up for an indefinite time. An exception is made of a very limited quantity for use by apothecaries in preparing medicine. This is, of course, a war measure. Precaution has also been taken to prevent the military troops in service from using spirits while on duty.

## XIV.

## NORWAY AND SWEDEN

Sweden and Norway, practically alone among the countries of the world, illustrate the power of rational liquor legislation to reduce the consumption of alcohol. The interesting history of this legislation must be passed by, nor is there space to tell its operation in detail. Both must be sought in the voluminous literature of the subject, which has long been accessible in English through official reports and private studies.

During the greater part of the first half of the last century Sweden permitted practically free trade in the manufacture and sale of spirits. The consumption of spirits rose to extraordinary proportions and with terrible effects. "The very marrow of the nation was sapped; moral and physical degradation . . . all those grim legions of evils that ever range themselves under the banner of intemperance took possession of the land." In the rural parishes the conditions were transformed by

the simple act of 1855 forbidding home distillation, while other distilleries were subjected to a high excise tax and the rural communities were given a local veto over sales. The towns, which suffered perhaps even more from drunkenness, offered a different problem; but it was not thought practicable or expedient to try to place them under prohibition. A bold remedy for a desperate situation was found in the organization of a private *bolag*, or company, in the city of Gothenburg, which gradually took over licenses for spirit-selling on the condition that the shareholders should not derive the slightest advantage from sales beyond the ordinary rate of interest on the capital invested, and that the profits should be devoted to charity or public uses. This was the genesis of the famous Gothenburg system, which in the course of time became extended to the whole of Sweden and eventually reached its fullest development and fairest trial in Norway.

It has frequently been said that in legislation relative to the company system Norway began where Sweden left off. To an extent this is true. Norway had the immense advantage of availing itself of the Swedish experience and of thus avoiding some of the mistakes made by the pioneers in an untraversed field. Especially at the outset the Gothenburg system in its home land was not without its failures, but they were of a kind that point the way to progress. In Norway the drink situation was less acute than in Sweden and the obstacles of ancient privileges and

rights to dispense intoxicants were far less formidable. For this and other reasons legislation in Norway has progressed more rapidly and made it possible for the company system to develop at its best. Throughout its history the temperance party has given support to the samlags and been instrumental in promoting legislation in regard to it. The extremists, of course, have always been in opposition, yet the consensus of opinion is that the samlag system has been the chief means of temperance reform. One of the most knotty problems has been the distribution of the profits accruing from the sale of spirits. The early method of devoting a portion to the reduction of the tax rate was found inherently objectionable, as it carried a temptation to extend instead of restricting sales. As we shall see later, a proper solution has been found and no criticism is raised against the Norwegian system on the score of improper use of the profits.

Perhaps extravagant friends of the Scandinavian system have overpraised it; they have at least reason on their side, which is wanting in the bitter attacks upon it by the uncompromising prohibitionists. For in its home lands the system has demonstrated that it (1) divorces drink-selling from politics and thus removes this obstacle to reform; (2) places an "inherently dangerous traffic" under effective restriction and control, but in keeping with the expressed sentiment of the locality; (3) makes possible the reduction of the number of licensed

houses to the lowest safe limits that public opinion will tolerate, and thus simplifies all restrictive measures; (4) secures the profits on sales to the locality and enables the establishment of counter attractions; (5) appeals to an enlightened public opinion, enlists the co-operation of good citizens, and paves the way for progressive temperance legislation.

Let us see how these generalizations fit the evidence offered by the history of the company system in Norway. The complete divorce of the samlags from politics hardly needs mention, for they are managed by reputable, disinterested citizens pledged to conduct sales with an eye to the public good, who have no interest in pushing sales, as their only profit is a modest interest on the capital invested, which is fixed by law. Merely the elimination of private profits from the business precludes any mixing with politics.

From the very beginning it has been the consistent policy of the samlags to hedge about the sale of spirits with increasingly severe restrictions. These have taken the form especially of drastic limitations of the hours of sale, numerous precautions in serving spirits, and a persistent effort to reduce the number of sales-places so far as is compatible with the evident needs of the community. In assuming the monopoly of licenses to sell spirits the samlags at once effected an enormous reduction of licensed places and have continued it consistently. In 1904 the law became operative which gives the

different communes power to decide for themselves whether the sale of spirits shall be continued or not. The charge that the system tends to perpetuate the sale of spirits is thus entirely unfounded.

Instead of allowing the profits from the sale of alcohol to flow into the pockets of private individuals, the law regulating the samlag system provides that of the net profits fifteen per cent shall be given to the municipality in lieu of the former license tax, and twenty per cent divided among the company and the department under which it sorts, to be distributed for charitable and useful objects not supported by taxation, while the remainder is paid into the State treasury.

That the maintenance of the samlag or company system does not stand in the way of progressive temperance legislation is witnessed by the mere fact of the reduction in licenses that has taken place under it. In 1896 there were 51 municipalities maintaining companies for the retail sale of spirits. In 1913 there were but 27 out of a total of 62 municipalities, and in 1914 but 12 (to some extent a result of the war), exclusive of two places in which the courts are called upon to decide the legality of the vote for the prohibition of spirits. Under the law of 1904 local prohibition when accepted by a state remains in force for six years. Since the private companies monopolize the sale of spirits in the cities, it will be seen that a very large reduction in the business has taken place within a few years. There remain, to be sure, some

old privileges to sell spirits. In 1914 there was a total of seven in the country, but only three of these were actively in use.

No license whatsoever is issued for the sale of spirits in the country districts and of the former licenses there remain only two.

The number of persons permitted to sell and serve beer and wine has been reduced from 1,722 to 888, that is, about half, during the years 1900 to 1911. The persons in the rural districts who had the right to sell beer and wine numbered only 206 in 1900, and in 1911 had been reduced to 134. Furthermore, in 1914 there were 19 of the 62 cities and 500 of the 612 rural communes in which no license for the sale of liquors of any kind had been issued.

In the municipalities, the total number of general licenses was reduced during the years 1896 to 1914, from 466 to 269, and limited licenses to serve ordinary beer and wine from 243 to 194. On the other hand, the limited licenses to serve only the lightest beer (that is, beer containing less than 2.25 per cent alcohol and exempt from taxation), increased from 10 to 173. These facts suffice to refute the allegation that the company system serves to perpetuate liquor selling in general.

The grievance has frequently been directed against the company system in Norway that it does not necessarily include a monopolization of the sale of wine and beer. Provisions exist, however, under which

a company may acquire the right to retail sale of beer for a definite period during which no other vender in the place may be licensed.

Many well-informed people regard it as making not for, but against, sobriety to place the retail sale of fermented beverages quite on the same footing with that of spirits. Recent legislation has liberalized the sale of the least alcoholic beers through a system of progressive taxation whereby the lightest beverages of this kind are subjected to the lowest tax. Beers containing less than 2.25 per cent of alcohol are free from taxation, which, as in other countries where it has been tried, serves greatly to stimulate the use of this harmless drink.

Under the *samlag* system the consumption of spirits (whiskey of fifty per cent alcohol) has been reduced about one-half. In 1876 the consumption of spirits stood at 6.66 liters per inhabitant as against 3.64 in 1913. The fear so frequently expressed that the gradual repression of spirits would result in an inordinate consumption of beer has not been realized. The quantity of beer consumed per inhabitant in 1913 (21.1 liters) was almost precisely the same in 1876; while during the decade 1891 to 1900 the consumption of beer averaged considerably higher than during the decade from 1904 to 1913. According to the total consumption of alcoholic drinks measured in terms of pure alcohol, Norway ranks as the most temperate country in Europe except Finland, whose consumption of spirits, how-

ever, is not much below that of Norway.<sup>1</sup> That these unmatched results could have been attained in Norway under any ordinary license system is not credible. Prohibitionists from other lands have wasted much effort in seeking to discredit the Norwegian *samlag* system and have been seconded to some extent by outside representatives of the "trade." The truth is that the system has gained support from the abstainers precisely because it makes temperance reform easy. In 1915, after a labor of four and a half years, the Norwegian Alcohol Commission, an official body under the chairmanship of Professor Dr. Axel Holst, and, almost needless to say, consisting of men of high scientific attainments and standing issued its report, which will be laid before the next Storting. A minority consisting of avowed prohibitionists, one of whom is the well-known temperance leader, Provincial Governor S. Aarrestad, does not favor the abolition of the company system, but would restrict it in several ways, while hoping eventually to win the whole country for prohibition by the extension of local option.

After most exhaustive investigations the majority of this commission find that prohibition is likely to increase home distillation and greatly to stimulate the illicit traffic. They base this judgment in part upon the experience with local prohibition, which shows the number of persons sentenced or under prosecution for illegal selling to be three and a half

<sup>1</sup> See Appendix.



times larger in cities without samlags (under prohibition) than in the others. The evidence of public intoxication is taken to indicate "so intense a craving for stimulants among the male population of our cities that it cannot be expected in the near future to cease obtaining gratification solely through the adoption of a prohibitive law." The police authorities of the principal cities are reported as practically unanimous in the belief that total prohibition cannot be enforced. The same opinion is voiced by the state revenue department. The police officials of Christiania say, "Already now it is most difficult to secure evidence in cases of violations of the alcohol law," and—it has such a familiar sound!—that in different strata of the population it is considered quite proper to give untruthful explanations and try to deceive the police and the courts in liquor cases. Personal investigation in the United States has persuaded members of the Norwegian commission that our examples of prohibition ought not to be imitated.

It must not be understood, however, that the Norwegian Alcohol Commission was in any sense oblivious to the social damage from alcoholism, or that it advocates letting well enough alone. It endeavored to view the situation from every possible angle, and made the most thorough study undertaken in any country of alcoholism in its relation to various social troubles. The entire work breathes a desire to promote temperance, but always with the clear perception of the dangers attending legislation for

which the public is not yet ripe. The most important points in the legislation recommended by the majority of the Norwegian Alcohol Commission may be summarized as follows:

Distillers and rectifiers must confine their sale of domestic spirits to samlags. Only the samlags have the right to import spirits from abroad, except for technical, medical, and scientific purposes. The sale and serving of spirits are confined to the towns and may only be undertaken by samlags.

Before a samlag can be established within a commune, all voters (women as well as men over 25 years of age) decide by ballot whether the establishment of a samlag (or its continuance) shall find place. The outcome of the election remains valid for six years. The regulations governing the activities of a samlag must be approved by the city council and confirmed by the general government, after the opinion of the "Sobriety Commission" has been heard. (The creation of such a commission is recommended, to consist of five members to be appointed by the King for a period of three years; its duty shall be to have supervision of the business of the spirit samlags and to be concerned with alcohol legislation generally.) The chairman of a samlag is nominated by this commission, and of the remaining members one-half are to be elected by the city authorities and one-half by the samlag members. The number of places for retail sale and serving of spirits is to be determined by the city government. The

shareholders in a samlag are restricted to an interest of five per cent on the capital invested. In the country districts the serving of spirits can only take place under special license on the recommendation of the local government authorities and is restricted to hotels and restaurants at health resorts which may not serve others than tourists and guests. Such special licenses may be for a part of the season. (One reason for this exemption is to stop illicit selling.)

“The activities of a samlag must be so ordered that the least possible harm is done by the sale and serving of spirits, and that temperance be promoted in the best possible manner. For this purpose the company shall try to prevent the sale of spirits to any one of whom it may reasonably be assumed that he will abuse it or help others to abuse it, nor shall spirits be sold in such quantity that supposedly it is intended for abuse.” Among other restrictions may be noted that no sale of spirits may take place between the hours of 6 P.M. and 10 A.M. and not after 1 P.M. on the day previous to Sundays and holidays, nor on these days. No serving of spirits may take place between seven o'clock P.M. and ten o'clock A.M.

For serving beer, wine, fruit wine, and mead, a license is required, except that to serve beer containing less than 2.25 volume per cent of alcohol does not require a license but merely the approval of the police. In country districts the licenses in question are granted by the local government board and in towns by the city government. In selecting li-

censees the most important consideration shall be that they are not likely to abuse the privilege. A license to serve the fermented beverages under consideration may be granted a samlag for a period of not exceeding six years at one time, provided its by-laws are approved by the local authorities and confirmed by the general government. At the same time it may be determined that a general license to serve fermented drinks may not be awarded to any one else. The general provisions governing the activities of a samlag are applicable in such a case. The maximum regular license fee for serving fermented drinks is 600 kroner in rural districts and 1,200 kroner in the towns. Special regulations govern the sale of fermented drinks for consumption off the premises. This is subject to license, except the wholesale trade.

In regard to the distribution of eventual profits from the business of a samlag, the proposed law provides that in the first year after it becomes operative twelve per cent of the net profits are to be paid to the respective communes, eight per cent to the samlag, and seven per cent to the government for distribution among the different districts of the province in proportion to population. In the second year after the law goes into effect the above-mentioned percentages are fixed at nine, six, and four per cent; for the third year at six, four, and three per cent. For the fourth year three per cent accrues to the commune of the samlag and two per cent to

the samlag itself. The moneys due to the samlag and the communes of the province are to be used for objects of public utility and charity which the communes are not obligated by law to provide for. Of the moneys paid into the State treasury an amount corresponding to sixty-five per cent of the net profits is until 1920 to be added to the fund for sickness and old-age insurance. The remainder is to constitute a so-called sobriety fund which is to take care of the expenses incurred by the Sobriety Council and in the expropriation of older selling privileges and for other purposes designed to counteract drunkenness and to compensate for the loss of State revenue which results from it.

The commission mentions at length and favorably the so-called Bratt or Andrée system of individual licensing control which originated in Sweden and aims to prevent persons from buying spirits who are known to abuse it. But evidently the commission is not ready to incorporate the system into law, preferring first to subject it to experiment.

For many years the central object of liquor legislation in Sweden has been to prevent the abuse of spirits. The introduction of the company system and its progressive monopolization of the retail sale (including the serving) of spirits represent salutary changes. It is enough to say that the consumption of spirits which in the five-year period 1871 to 1875 stood at 11.8 liters had been reduced to 6.8 liters in the period 1906 to 1910. Simultaneously, the con-

sumption of beer has greatly increased. Yet the *per capita* use of all alcoholic beverages put into terms of pure alcohol had been reduced during the period in question from 6.8 to 4.9 liters per inhabitant. The enormous growth in the use of tax-free malt drinks (containing not more than  $2\frac{1}{4}$  volume per cent of alcohol) is especially noteworthy.

The Swedish Temperance Committee, an official body, has recently proposed new legislation governing the sale of alcoholic drinks which aims to do away with some of the obstacles to reform which have stood in the way of the desired development of the company system. Outside of the companies, a large business has been carried on in intoxicants without the necessity of a special license. Thus exempted from license has been wholesale traffic in spirits (in quantities of 250 liters and above); the importation of spirits, wine, and beer has been absolutely free; agents for foreign firms have been unrestricted in seeking orders; the purchasers of beer and wine have had the right to sell at retail; in addition, a few personal privileges to sell spirits have not been expropriated and in the rural districts many tavern keepers have the right to sell beer without a license.

The new legislation proposed by the temperance committee gives expression to the following principles: (1) No private individual can obtain a license to sell intoxicants of any kind at retail. The right to serve may be awarded a private individual but

only through the bolag, which is gradually to expropriate the still remaining private privileges. (2) There shall be no private wine or spirit merchants and no private sale of beer. (3) The bolag, or company, is thus assumed to be the only medium of sale monopolizing the whole retail traffic and all places where drink is served are obligated to buy goods from the bolag. (4) The business of the bolag is to be so arranged that it knows to whom it sells and how much it sells. The last point refers to the so-called Bratt or Andrée system mentioned above. This system has been in practice in Gothenberg since 1912 and in Stockholm since 1914, and will soon be introduced in numerous other Swedish cities. By a law of May, 1915, it became mandatory for the whole of Sweden so far as all retail sale of spirits is concerned. The system is one of individual control or licensing. Before it can become operative the managers of the companies having a monopoly of the sale of spirits obtain information from the police, courts, guardians for the poor, and others concerning persons who on account of their alcoholic habits should not be allowed to buy whiskey. All other persons over twenty-one years of age may purchase, but only in limited quantities during a stated period. In Stockholm the maximum quantity which may be bought is one liter of spirits every fifth day; and in Gothenberg eight liters per month. The reason given for keeping the limit at a figure which some may regard as high is the desire not to

drive people to resort to substitutes for alcohol and the general belief that it is necessary to proceed slowly with so radical an innovation.

Although the maximum quantity is so large and in spite of the fact that it has hitherto been possible to import spirits without the consent of the bolag, this individual license system has proved a very effective adjunct in promoting temperance. It is said that since the introduction of the Bratt system in Stockholm, arrests for drunkenness decreased about one-third, after the system had existed but a year and a half, and it is still in the experimental stage. In Gothenberg arrests for drunkenness have decreased only fifteen per cent since the Andrée system came into force. The police insist, however, that the showing is really better than indicated because the places for detaining drunken persons have not been so crowded as previously, so that really a large number of intoxicated persons are placed under arrest who formerly were let go for lack of some place in which to keep them.

In Stockholm every would-be purchaser of spirits receives a pass-book in which the quantity of each purchase is noted. In Gothenberg certificates are distributed which must be presented by the purchaser or his representative, and the quantity bought is entered at the place of purchase. Each buyer is restricted to a certain sales place which he must patronize. A new law prescribes that no one may import spirits from abroad except with the consent of the



company, which will make the practice of individual control much easier.

Although very great caution was exercised in preparing a "black list" of persons excluded from the privilege of buying spirits in any quantity, the Gothenberg list for October, 1912, contained over 2,000 names, and a year later more than 1,000 others were added. In Stockholm 10,000 applications for pass-books according the privilege of buying whiskey from the bolag were refused. To this must, of course, be added a large number of persons who did not make any application because they were sure to be denied it. Their number is estimated at from 5,000 to 10,000. There has been discussion of extending the individual license to cover also fermented drinks, but at present this is neither feasible nor desirable.

The great innovation in the recommendations of the Swedish Temperance Committee is the proposal to introduce local option or the right to decide by popular vote against the licensing of every kind of spirituous drink. While in Norway the local veto in its direct form provides for popular election in regard to the sale of spirits by the companies and the sale of other alcoholic beverages can only be abolished indirectly through the action of the local authorities, Sweden would make no exception but would make all drink-selling subject to option. The Committee was not quite in agreement on essential points. A majority would require a two-thirds majority for

the introduction of local prohibition and a like majority in order to rescind it, and the initiative for a new election would have to be taken by those who are opposed to prohibition. Two members of the committee would make local option law effective for five years, after which a new election would be obligatory, and would require two-thirds of the majority of the electors of the commune for the continuation of local prohibition.

Aside from things actually accomplished in the way of effective legislation, the American observer of European methods can but note (with a degree of humiliation) that they do not leave the intricate problems associated with liquor laws to the mercy of the propagandist and the inexperienced or interested legislator. Europeans attempt at least to clear the way through scientific inquiries by men of eminence and authority. Our progress in drink reform is bound to be slow so long as popular wisdom about it is drawn from the politician on the stump, or from unscientific temperance federations.

But in Europe, too, the liquor issue is beginning to be used by the politician as a ladder wherewith to reach place. And once he takes up the yoke of temperance servitude, there is apparently no escape. There is a curious fatalism about swearing allegiance to the tenets of prohibition: it seems almost invariably to produce a deviation from normal thought and ideals. Are they fit to lead who regard the liquor problem as the one vital question, who

aver that the sum and substance of human ills are bound up in it, and therefore demand, even in the midst of a world-conflagration, that it must be given the right of way over all the problems that perplex society?

## CHAPTER V

### CONSTRUCTIVE TEMPERANCE REFORM

#### I

##### EVOLUTION OF THE SALOON

THE cupidity of liquor-dealers, the stupidity of legislation, and the misdirected zeal of reformers are responsible for the American saloon. Its evolution from the old-time tavern or inn in which drink-selling was an incidental if important function, to an institution having no other reason for being, was swift. In the days when the Atlantic border marked the frontier, and until post-colonial times, neither the law-making nor the law-enforcing power seemed to be greatly disturbed over excesses by the innkeepers, who were, so to speak, the community hosts at the few places of public refreshment. The local ordinances governing drink-selling were very simple and intended as a check upon disorderly conduct generally rather than upon the individual's consumption of drink. The imposition of any other penalty than a moderate fine was seldom thought necessary. No doubt there was room for complaint, but the innkeepers of that period were rarely local freebooters even in regard to illicit traffic in rum with the Indians.

Liquor-selling was very far from being regarded as an inherently disreputable occupation, much less the manufacture and importation of rum, which played so large a part in the early commerce.

The first great outcry against the drink evil which arose in the early part of the last century did not expend its force in denouncing the sellers of intoxicants. As strong drink at that time was an article of pernicious daily household use, both on glad and sad occasions, the problem as then viewed was one of influencing personal habits rather than of repressing the drink-seller. The driving force of the primitive temperance movement was a semi-religious enthusiasm for abstinence which could not indefinitely be maintained at fever heat. Gradually it began to cool, but the drink-selling institution remained, and before long it became the object of reform. This shift in the point of attack (one may date it from the early thirties of the last century) gave a direction to temperance activities that not only has persisted but has become more and more accentuated in the course of time. Some of the unlovely traits commonly associated with drink-selling (other than that of intoxication) had surely cropped out; they became full-blown, however, only after the saloon had been declared a social outlaw. Far-sighted men among the early temperance advocates clearly saw the danger of staking the future of reform on a repression of the drink-seller to the neglect of improving social customs and personal habits. For a time

there was a strong minority party among the reformers having "moral suasion" as its watchword; but the prohibition idea gradually superseded it. This was a perfectly natural evolution of the movement. To fight for a moral abstraction is much less appealing to the ordinary mind than to single out a concrete object for scorn and condemnation. To-day the temperance propaganda abounds much more in rage against the saloons than in solicitude for personal hygiene and abstinence as a virtue. This one-sided and purely repressive character of drink reform needs to be emphasized because it helps to explain the development of the American saloon.

It is fallacious to regard the saloon as a peculiar outgrowth of rough pioneer life, with its self-made code and ready forgiveness of debauchery. For quite obvious reasons drink-selling appears at its worst under conditions which attract the adventurous and lawless elements chiefly bent on gain who lack the softening influences of the well-ordered community accustomed to all manner of restraint. The most recent illustration of this comes to us from the settlement of Alaska. Perhaps the American tavern had deviated from its English prototype, but the real departure began when its extinction was declared to be the ultimate goal of reform. The frontier had not pushed far beyond the Alleghenies before the drink-seller was forced into a fight for legal existence which since has been incessantly waged in different parts of the country. He entered it pri-

marily for defense; soon, however, he found it advantageous to attack, and thereby hangs the long unclean story of the saloon in politics over which good men so often have moralized. As drink-selling privileges were apportioned and supervised by local authorities, it was inevitable that the saloon-keeper should seek to make them his political creatures; and having obtained safety, he next tried to utilize the position for gain and non-interference. When fateful threats of prohibition impended, the saloon-keeper reached out into the wider fields of politics. The point of vantage was often his, for the saloon offered a natural meeting-place to those who were troubled about local political destinies. The taste of power fed the cupidity which the saloon-keeper shares with most men.

There is, however, little logic in the reasoning that it is reprehensible *per se* for the liquor interests to promote the election of candidates opposed to prohibition so long as it is done by proper means. For under license both manufacture and sale of intoxicants are legally sanctioned and are a traffic to which most men pay tribute and from which they derive a certain pecuniary benefit in the form of taxes. To insist upon this view is, of course, not to excuse any high-handed dictation to political candidates, much less to excuse any unlawful interference in governmental affairs.

The domination of the saloon in many places, its shameless perversion of local government, its open

defiance of law and the rapacity accompanying it, are ugly chapters in our civic history; but let it be remembered that it was not the saloon at its worst against which the early reformers rose, for this is a growth of later days; and one who wishes to understand its gradual deterioration must carefully inquire how far this resulted from the environment created for it by legislation and reform efforts. This statement involves neither an apology for the lawlessness and political chicanery laid to the saloon, nor a reflection on the motives of reformers. Of course, in many instances, a callous public permitted the inherently dangerous traffic to go on unfettered in spite of legal prescriptions, and with the usual bad results. But the large view to be kept in mind is that the whole trend of temperance legislation has been repressive, with absolute prohibition as the final aim, on the assumption that general moderation throughout the land cannot be attained by any other means.

One searches in vain the whole turgid mass of license laws in this country for leading constructive principles that may at once serve to curb excess while meeting a popular demand and easily lending themselves to progressive restriction as soon as the public is prepared for it. Instead, the statutes bristle with the one idea of repression, and behind them lurks the one accepted alternative, namely, prohibition.

Yet is temperance so fragile a virtue that it will



not thrive unless shielded by sumptuary legislation? Such is the working hypothesis of its strenuous advocates. They ignore the improvements that have taken place, not in consequence of repression or force, but through a complexity of influences that draw a community up to the higher levels. That the trend is toward moderation and that the alcoholic excesses of the forefathers have passed, they overlook. The saloon remains and typifies to them the one supreme evil which cannot be modified or progressively corrected. They conceive of alcohol as in itself a veritable monster that cannot be exorcised but must be destroyed. Therefore, they heap contumely upon constructive efforts and hold out the strait-jacket as symbolizing the highest form of appeal, wholly suited to win a self-respecting nation. Failing its voluntary or compulsory acceptance, they recognize but one principle in liquor legislation, that of repression. Herein lies the reason for the disappointments of temperance reform as exemplified in the United States. This broad assertion requires some explanation in detail of the workings of our legal restrictions other than state-wide prohibition.

## II

## LOCAL OPTION

The finest fruit garnered from a multitude of experiments in curbing the liquor traffic is the right of local option, but we have stunted its growth and

tried to plant it in wrong places. If the principal of local option is not an original discovery, we have patent-righted it and furnished examples of its proper uses as well as of its abuses. The right of the local community to decide for itself whether the sale of liquor shall be licensed or not is no longer in dispute. As we have shown elsewhere, it has already been recognized in the legislation of several lands, for instance, Canada, the Australian colonies, Norway, and Scotland, and in the near future will probably be included in the Swedish laws. The applicability of this right however, is distinctly limited. In rural districts and smaller urban communities, local prohibition can be made a success and has vindicated itself in many instances, in response to the public sense that the saloon has no place in villages and at country cross-roads, because it does not meet an ir-repressible want. The utility of local prohibition in larger urban centers is generally conditioned by their proximity to some place under license which operates as a "safety valve" to the purchasers of intoxicants who will not be denied; and upon easy access to drink very often depends the willingness to accept local prohibition.

But where repeated trials clearly show that no decided majority exists for local prohibition, and that there is a constant shift from it to license, the actual gain for temperance is infinitesimal. The laws themselves are at fault because they permit local prohibition to ensue from a mandate of a majority, no mat-

ter how small it is and how unrepresentative of public sentiment.

Conditions roundabout the city of Boston furnish the most instructive illustration. By maintaining license this city of 725,000 population provides an outlet for adjacent cities and towns, the most important of which are separated merely by artificial boundary lines, and contain a population about equal to that of Boston. The inhabitants of these places habitually and wisely vote to exclude drink-selling; but they could scarcely be persuaded to follow this policy unless Boston provided a base of supplies and served as an outlet for the saloon-going part of the communities. In such instances the no-license vote does not by any means signify a desire for the enactment of prohibition. Examples of similar kind are found in other parts of the country, for instance, in the vicinity of the city of Chicago. In prohibition states, too, it happens that people are content to keep the saloons from their own streets so long as they need but cross a bridge to reach them in another state or perhaps in their own. A classical example of the last-mentioned condition is found in Maine where the city of Auburn insists upon the enforcement of prohibition while the city of Lewiston on the other side of the river permits drink-selling openly except for an occasional period of enforcement.

Local prohibition has been reasonably well observed in numerous communities and benefited some of them greatly. This does not mean that the use

of intoxicants has ceased in such instances, but that the consumption in the homes has largely replaced saloon drinking. Occasionally a no-license victory is gained in a large city, but so far there probably has not been a single example showing that in such a case local prohibition has been successfully enforced or maintained for any length of time, unless, of course, such a city has been adjacent to another city under license.

That it is easy, artificially, to propagate votes in the name of morality is as common an experience as it is disheartening. If the adoption of this or that policy did not derive its value from the force of conviction back of it, the situation would be different. But in local-option elections, as in prohibition elections, we cling to the demonstrable fallacy that a mere majority, no matter how obtained, is enough to secure a stable policy in dealing with the liquor question. It is not even thought necessary that the vote cast in such elections should constitute a stated proportion of the total electorate. Thus it may happen that on a given question only a fraction of the electorate expresses its opinion. The result, however, is as binding as if the last man had turned out at the polls. Of course the more rudimentary the legal requirements are to make the outcome of an election valid, the easier it becomes to force prohibition upon an unwilling community. Other countries have recognized this weakness in our local-option legislation and have sought to remedy it in their own.

Most of the Australian colonies, for instance, require a three-fifths majority for or against license and require that from 35 to 50 per cent of the qualified electors must vote on the question. The new Scottish law which becomes operative a few years hence, contains similar provisions; and in discussion of the local veto, as it is commonly called abroad, the official Swedish Temperance Committee expressed a preference for a two-thirds majority in order to carry an election for local prohibition.

In some states local-option elections occur annually, on the ground that they serve to keep alive the temperance interests. The grave circumstance that neither one policy nor the other can get a fair trial in the course of one year, and that the opportunity for frequent changes serves to perpetuate an element ready to embark in the liquor traffic by legal means when possible, or to some extent by illegal means during dry periods, is ignored.

Some states provide for biennial local-option elections, but even this scarcely affords sufficient time to try out the policy.

In foreign countries three- or even six-year periods are thought brief enough. Another thoughtful provision is that whatever the outcome of an election it does not become operative until the lapse of considerable time so that the community may have time to adjust itself to the new conditions. Our legislation, as a rule, does not reflect the idea that any time is needed (the lapse of a few months is hardly

to be counted), even when a transition to state-wide prohibition impends. The State of Virginia set the exceptional and valuable example in decreeing that on the acceptance of prohibition the law should not become operative until the expiration of about two years. The principle of local option is really not in favor with the out-and-out prohibitionist except as it helps to remove obstacles to state-wide prohibition. So long as the principle is taken to imply the right of a community to continue the liquor traffic, the radical prohibitionist ought not to uphold it, for he professes that liquor-selling is wrong under all conditions. If it is inherently wrong, why should he petition for the right to decide the question by ballot? This slight inconsistency does not seem to trouble the most violent denounciators of the use as well as of the sale of liquor in any form. Perhaps they find an excuse in the utility of local option as a means of gaining dry territory with general prohibition as the ultimate aim. It may be said in passing that if it be right for a local community to exercise option periodically in regard to licensing and forbidding the liquor traffic, the same right should be enjoyed by a whole state. The legislation of other countries recognizes this and provides for an expression of opinion at certain intervals as a test of the sentiment behind prohibition. We proceed upon the natural theory that once it is accepted, state prohibition, unlike local option, must remain immutable and that the public sentiment expressed

for it remains a fixed quantity. Hence the strong effort to write prohibition into the constitutions, both state and national. These contradictory attitudes toward principles that in essence are the same cannot be reconciled.

A remarkable example of the change that may take place in public sentiment occurred in Vermont at an election held in March, 1916. The question of retaining the present local-option law or re-enacting prohibition was referred to the voters. Vermont had been under prohibition from 1852 until 1903, when it was repealed by a majority of 729 votes. In the election of 1916 the state, by a majority of 13,464, refused to re-enact the prohibitory amendment. Every county but one decided in favor of continuing under the local-option law. It is not known that much heavy campaigning was done prior to the election except by the anti-saloon forces. Many towns that rejected prohibition refused persistently to grant licenses. Only twenty-three cities and towns at the last election voted to issue saloon privileges.

Some local-option devices—for example, regulations as to petitions in pursuance of which elections are held make it possible for adroit manipulators to lay dry a community against its will. An excuse for such a prostitution of the local-option principle is found in political expediency, since each victory is held to be a step toward state-wide prohibition. County local option particularly lends itself to this

purpose, on account of the legislative representation which may be secured.

Unquestionably much of the strenuous campaign for no license has been far less marked by solicitude for temperance than by a desire to gain political preponderance. Once an election district is made dry its representative in the legislature will self-evidently incline to the prohibition side even at the cost of personal conviction. This kind of compromise with one's self for the sake of place is so common a feature of public life that it scarcely attracts attention except in very flagrant instances. But when legislation which in a very special sense demands the support of a mature public opinion, is acted upon by men who themselves secretly spurn it, the cause of morality is not likely to be benefited.

If rightfully applied, there can be no quarrel with the choice of the county as the unit in local-option elections, provided it is populated chiefly by rural inhabitants or by village folk. Indeed, within such units one may hope to find a uniform and healthy sentiment which makes local option both attainable and desirable. But when a county contains a municipality of considerable importance, and the extra-mural vote is utilized for the purpose of overcoming the known majority for license in the city, the very essence of the law, the right of choice, is violated. Very many instances of this kind have occurred, for instance in the Middle Western states with their numerous and rapidly growing municipalities.



Scores of these have had a taste of local prohibition, not from choice but under compulsion by the rural vote. Then, as a rule, hateful violations of the law begin, perhaps accompanied by disorder and bloodshed, and persist until abated by a return to license. The local police are not likely to curry disfavor by ruthlessly hunting down the illicit traffic; and its tolerance would not infrequently follow but for the employment of private "spotters" by certain prohibition organizations. Meanwhile civic authority generally, as well as ardor for temperance, is certain to have suffered. A city returning to license after such an experience is the poorer for it; besides, the transition to the old order of things is often marked by a reaction for the worse. A counter-part of the folly of coercive prohibition enactments is the wanton campaigning for license in a community which is clearly opposed to the liquor traffic. The instances of it are all too frequent and the interests responsible deserve the severest rebuke. The trade in intoxicants may in many places be a necessity, but it is not *per se* desirable and least of all to be foisted upon a community.

On the other hand, liquor-dealers can hardly be censured for seeking to regain territory which has been won for local prohibition by devious means and contrary to the known wishes of its citizenship.

It belongs to the *credo* of the prohibition confession that all beverages with alcoholic properties are equally harmful. The suggestion that, if some dis-

inction were made, greater continuity might be gained for a no-license policy will, therefore, be scorned as a subterfuge for undermining the very object of local prohibition. Scientists, to be sure, agree that beverages containing less than 2 or 2 $\frac{1}{4}$  per cent of alcohol are non-injurious; and in countries whose progressive liquor legislation is largely shaped by teetotalers, beverages of this kind are exempted from taxation and declared non-intoxicating.

The fact that the exclusion of harmless drinks may stimulate the substitution of the most noxious distilled liquors or even chemical preparations, as is witnessed the country over, does not seem to move our reformers. Nor are they actuated simply by fear that a drink containing insignificant traces of alcohol must necessarily create a lasting appetite for the intoxicating kind. They appear to derive a peculiar moral satisfaction from condemning alcohol in all its forms. The abstract hatred of it is reckoned as a virtue and may by some even be regarded as an element in religion. This mistaken identification of values is strongly reflected in some legislation.

American laws forbid the use of certain liquors even if they are not intoxicating! Thus, in West Virginia, all malt-brewed drinks, "whether intoxicating or not," are prohibited. The State of Washington, in its new prohibition law, bars all liquors "which contain any alcohol and which are capable

of being used as a beverage." North Dakota defines among the forbidden drinks, not only malt liquors of any description, but "all so-called fruit 'ades,' imitation ciders, and beverages under whatever name or description," and forbids them to "be manufactured and sold to be used as a beverage or a substitute for intoxicating liquors."

The same sort of legislation is made to apply to the dry areas of license states. For example, in Indiana it is not lawful to sell any malt liquor in local-option territory even if it is non-intoxicating. In Iowa long ago the courts upheld this view: "A beverage containing alcohol is an intoxicant, regardless of whether the quantity of alcohol contained in it is or is not of itself intoxicating." In Wisconsin the sale of malt liquor containing alcohol is made an offense in local prohibition districts, "though the beverage is a non-intoxicant."

The assumption of the law is that there cannot be any proper substitute for intoxicating liquor, regardless of its percentage of alcohol, or even when it has no trace of alcohol so long as it is labeled by the terrifying name of "malt." Presumably, the singular theory is that even harmless drinks must needs create an appetite for alcohol provided they suggest an affinity with the intoxicating kind. Current legislation thus systematically repudiates the lesson of experience,—namely, that by forbidding non-injurious fermented drinks one invites the use of the most dangerous intoxicants. Hence the dis-

quieting rise in the production of distilled liquors during the years in which the most notable victories for state and local prohibition were won.

Of course our legislation has been inconsistent in making distinctions between various kinds of intoxicating beverages. There would be interference with a farmer who brewed a weak beer for home use, but he may produce an unlimited quantity of cider which in its "hard" form is highly intoxicating, as many of our rural districts bear witness. Also in France a great deal of alcoholism in rural places is attributed directly to the inordinate use of cider. And while the usual alcoholic beverages are contraband, patent medicines, rich in the vilest forms of alcohol, have had unrestricted sale in prohibition territory. The pure-food law, which requires a statement of the alcoholic contents of each bottle of medicine, has probably helped to diminish this source of drunkenness; but still the evil is there. The point is merely this, that our legislation over-emphasizes relatively unimportant things and still makes certain compacts with alcohol.

### III

#### TAXATION OF ALCOHOL

Like prohibition legislation, our efforts to develop effective systems of license control are vitiated through false concepts. Under favorable conditions two motives struggle for mastery in shaping license

policies: one is the desire for as much revenue as the traffic will bear; the other, the desire to prevent intemperance. As the two motives are hostile, if not mutually exclusive, a poor compromise results.

We have steadfastly clung to the inherited conception of the liquor traffic as a singularly profitable business and therefore to be taxed heavily, altogether subordinating the consideration of taxation as a possible means of promoting temperance. The Federal government sets a bad example. In declaring every beverage containing more than one-half per cent of alcohol subject to taxation, it confuses the definition of intoxicants and makes difficult the substitution of the lighter for the more alcoholic drinks. In levying taxes on the usual alcoholic drinks, the Federal government makes a distinction as to kind between distilled and fermented liquors, but solely for the purpose of revenue and based upon the amount that production will stand. The idea of employing the tax-levying power to discourage the use of distilled liquors as the real generators of alcoholism is foreign to our Federal legislation. The true reason why spirits escaped the latest war tax was the fear that an extra impost would curtail production! Furthermore, fermented liquors are taxed merely according to quantity, not according to kind. The least alcoholic and most wholesome beers are made to share the same burden as the heavy ales. Doubtless the Federal government would be severely put to it were it deprived of all income from the manufacture and

sale of liquor; but must the good of society be wholly divorced from systems of laying taxes?

European temperance legislation, as is explained in the preceding chapter, without dissenting voices among the avowed prohibitionists, puts a premium on the production of malt drinks containing not more than  $2\frac{1}{4}$  per cent of alcohol by exempting them from license fees and making their sale free to all. Even Iceland, the only country in the world under absolute prohibition in the sense that not only the manufacture and sale but also the importation of liquor is forbidden, makes this exception. Occasionally prohibitionists on the other side disagree as to whether the limit of alcohol in the tax-free drinks should be placed at 2 or  $2\frac{1}{4}$  per cent, but they subscribe to the general principle that certain light alcoholic drinks are harmless and believe that their substitution for the heavier kinds is a practical temperance measure.

The fatuous pattern of Federal legislation is more or less reflected in state laws: the desire for revenue has been allowed to dominate. Self-evidently, the liquor interests fight for low taxes. Their natural opponents have proceeded on the theory that, since the traffic does so much harm, the greatest possible number of dollars should be extracted from it in reparation; and legislators generally are eager to grasp at an excuse for seeking additional revenue. To be sure, the system of high license has been evolved on the ground that a heavy fee would serve

to weed out superfluous saloons, facilitate supervision, eliminate the less responsible and unsubstantial dealers, and thus elevate the whole tone of the trade. But experience has not vindicated this theory except in minor details.

## IV

## HIGH LICENSE AND RESTRICTION

A fundamental defect of the high-license system from the taxation point of view is that a uniform fee is exacted, and not one based upon the amount of alcohol sold. Another just as fatal defect is that high-license legislation fails to recognize the taxing power as a means of promoting temperance by encouraging the sale of the least alcoholic beverages. The suggestion that there could be any choice between alcoholic "poisons" is extremely repugnant to extremists, who regard all liquors as equally typifying the "demon alcohol," and refuse to recognize a mid-road between prohibition and excess—moderation—to which a rational license system should lead.

As at present operated, the high-license system acts as an incentive to push sales in order to show profit, and, unhappily for temperance, under the usual method of classifying licenses the temptation is particularly to push the sale of distilled liquors. Indeed, saloons given over solely to fermented drinks lead a precarious existence in high-license places, for

the big profit lies in selling whiskey. This neglect of elementary but far-reaching principles, which characterizes most of the license legislation, must be weighed against the largely illusory advantages supposed to be incident to high fees—the simplification of control, the close observance of rules on account of the cost of the privilege, the greater inducement for men of substance, and therefore of responsibility, to enter the trade, and so forth.

That high license puts many saloons out of existence is not an inherent merit, for this can be done by statutory limitation of licenses such as exists in several states, and by a proper regard for reasonable public demands in granting selling privileges. Meanwhile, the resulting concentration of the emoluments from the traffic into fewer hands tends to unify an undesirable power.

To impose a substantial fee for the exercise of a privilege beset by palpable dangers is a thoroughly reasonable method of procedure; but to gauge the value of a license system by the amount of the fee charged is thoroughly illogical. If large weight must be given the damage resulting from drink which puts the community to certain expenses, then the only reasonable method is to levy taxes not simply upon the place but according to the amount of alcohol sold.

Of the endless variety of restrictive measures drafted upon license systems, it may be said in passing that a few are obviously useful, many trivial,



some stupid, and still others merely irritating. Whatever makes for concealment invites circumvention of the law and should not be permitted; and no one can sensibly advocate relaxing restrictions against selling to minors and intoxicated persons, or those governing hours of sale, or regulations generally intended to hold the traffic in check. But laborious enactments prescribing whether drink may be consumed standing or sitting at a table, with or without food and excluding the most harmless forms of diversion; and a multitude of others which aim, in brief, to make the saloon a drink-shop pure and simple, not only belong to the unessentials but directly hinder constructive effort. They are merely the expression of the extreme view that drink-selling is in itself an immoral occupation.

Among reformers of the rational type there is a diversity of views in regard to the desirability of divorcing drink-selling from every form of attraction and restricting it solely to the one business of selling intoxicants. The English exponents of the company system seek to reduce the temptation to indulge in alcoholic beverages by a liberal provision of counter-attractions in the form of soft drinks, appetizing foods, and the like. In Norway, on the other hand, the places in the control of the *samlags* offer but one inducement, the opportunity to buy liquor. The customer is not invited to remain, nor is he offered other forms of refreshment. No hard and fast principles can be laid down in regard to

the particular auspices under which drinks should be served. What suits one nation may be wholly unsuited to another with different customs and habits. Our own population is so diversified that rules in regard to the method of serving drink which in one place might conduce to greater sobriety would in another probably lead to the patronage of illicit places.

Moreover, intemperance is not such an extraneous thing that it is appreciably affected by the simple expedients that we have discussed. It may, indeed, be a grave mistake to give too great weight to them in legislation. A striking example of this kind is furnished by the so-called Raines Law of New York. In its original form it proposed to attack the drink evil, among other things, by turning the saloons into hotels, the theory being that when necessarily associated with catering and other appurtenances of a hostelry the ordinary saloon would have to go because it could not stand the economic strain of complying with the law in regard to the number of rooms and kitchen conveniences. The result of this legislation was to call into life the infamous Raines Law hotels, so called, which for a large part degenerated into disorderly houses of the most malignant type, from which the city of New York in particular suffered. "When the Committee of Fourteen attempted to suppress the Raines Law hotels, which was the purpose of this organization, by removing the advantage given the hotel keeper by the liquor

law, the amendment proposed was defeated by those opposed to the liquor traffic, because the amendment would have legalized the traffic in liquor on Sunday in saloons. To the opponents, an extension of the legal hours of traffic was a greater evil than the disorderly hotels."

## V

## LICENSING AUTHORITIES

Some hold the crux of liquor legislation to be the choice of authorities vested with power to grant and revoke selling privileges. A sense of this is reflected in the numerous experiments with different already existing or specifically created bodies to whom jurisdiction in licensing has been intrusted. From the diversity of legislation upon this subject as illustrated in different states, and from the experience it has led to, some general conclusions can be drawn.

Local political bodies such as city councils or county commissioners are often tempted beyond their strength when awarded control of liquor licenses, which in a peculiar way requires freedom from approach and a desire to set public good above self-preferment. Locally appointed boards have been found to be too easily "reached." To give elective police officials the authority to confer privileges which they are set to watch over is merely an insidious invitation to graft. Licensing boards appointed by the governor of a state for specified lo-

calities have given a measure of success, of which perhaps Boston furnishes the most notable example. Of course this method appears to be a perversion of accepted principles of local self-government.

The experience with state boards as licensing bodies is too limited to warrant significant conclusions. Except for short-lived experiments in a few states, Ohio is at the present time the only one operating under this form of licensing the liquor traffic. A central authority established primarily for the purpose of collecting revenue is hardly to be recommended, for the larger object should be to prevent licenses from getting into the hands of bad men and to exercise close supervision over the traffic generally. In a large state this would seem to be an insuperable task for a single board; and there is danger in superseding the initiative and responsibility of the local authorities by state officials who must first acquire the necessary knowledge of the needs and peculiarities of the place in which licenses are to be exercised. Then there is the question ever present under our form of government of preventing political considerations from overruling the desire for a strict regulation of the saloon traffic. In this instance, the temptation to play politics would perhaps be unusually strong.

In some states the courts grant licenses notwithstanding the reasonable theoretical plea that executive functions should be absolutely divorced from the judicial. In practice, this plan is perhaps of

unequal value; but where best developed, as in Pennsylvania, it has on the whole proved an efficient method of licensing, and it has been adopted in a few states. The hearing of applications for licenses as well as of remonstrances in open court is helpful, particularly when the law prescribes that in granting licenses the needs of the community shall be a primary consideration.

It must be admitted, however, that in Pennsylvania the legal profession has expressed much dissatisfaction with the existing law, which makes the judges of the Court of Quarter Sessions the licensing authorities. Their complaint, aside from the valid theoretical objection, is that the courts are liable to be tainted by "liquor politics." Unfortunately, there have been so-called "liberal" judges who in return for pre-election aid have proved lax in their duties and issued licenses indiscriminately. Occasionally, also, judges have paid for the support of the temperance element by refusing to grant licenses within their jurisdiction. Under an appointive system of judges such shortcomings should disappear; but so long as a judiciary is elective, politics, both of the liquor and other varieties, may influence it. The danger under consideration is evidently intensified when the lowest courts are in question.

Probably no system of licensing authority can be devised that will wholly satisfy grasping dealers and prohibition zealots. Dissatisfaction with the numerous experiments, except that involving the judiciary,

—which had not been tried,—finally led the state of New York to adopt its present tax law, which practically eliminates the judicial function in granting licenses. The weighty objection to it is, however, that it tends to over-emphasize the importance of the liquor traffic as a source of revenue. The more a state is made to realize the ease with which millions in tribute can be levied on drink-selling, the less it will be disposed to subordinate the desire for a low tax-rate to the application of measures wherewith to conquer alcoholism.

The whole problem of licensing authorities would become greatly simplified by the adoption of other principles than those of repression and regulation now followed. Nevertheless there are encouraging examples of faithful and efficient service by licensing authorities under laws that are manifestly imperfect in principle and difficult of execution.

## VI

### ESSENTIALS OF PROGRESSIVE REFORM

This hasty review of some of the principal elements in our liquor legislation but inadequately portrays the chaotic conglomeration of statutory provisions which from year to year is accumulated in the name of temperance control—which is never really achieved, since it proceeds on outworn and mistaken principles. The crude output is a logical result of current methods, for the persons chosen to draft

liquor laws seldom need qualify through general fitness or knowledge of many intricate questions. It is a hit-or-miss job amid the distracting bustle of a busy legislative session.

To complicate the situation there are always two outside elements to be reckoned with: First, those who reform for hire, abetted by well-meaning obstructionists whose wisdom in liquor legislation is bounded by a desire to harass the traffic which the law assumes to protect when it is legalized; secondly, the liquor interests, which fight obstinately, partly to hold their own, partly to ward off new financial burdens or irksome regulations.

It is highly significant that the outcome of legislative effort commonly is hailed as a victory for the "drys" or the "wets," as the case may be, and that when new statutory regulations have been adopted we almost studiously refrain from searching out their effect. The inarticulate public, the long-suffering patient upon whom this or that legal nostrum is to be tried, usually remains dumb, from fear of incurring the enmity of either side, or from indifference, or because it does not see that, as between license legislation of proved incapacity to promote temperance, and prohibition, there is a third choice—the choice of tried experiments based upon a rational conception of the many elements that constitute the whole problem.

That the forces who shape our liquor laws should not consult the public is perhaps natural; but that

they, especially the temperance wing, should ignore the very existence of the public, is a psychological phenomenon. For after all it is the great drink-consuming public that is hurt or helped by legislation; it is the public, not the liquor dealers or temperance hosts, in whose hands it lies to make or mar the law. So long as we proceed without proper regard for the public, its needs and expressed wants, we shall continue to legislate ineffectually or disastrously.

Progressive temperance reform demands that the patchwork of rusty principles underlying our present liquor legislation be, in part, discarded, in part rebuilt from the bottom up. The following paragraphs indicate summarily the objectives in law-making adapted to our needs:

1. In dealing with the liquor traffic, the desire for revenue must give way to the employment of the tax-laying power as a means of minimizing the drink evil. Since the "curse of alcoholism" flows from spirits and not from beers and light wines, the heavy hand of the tax-gatherer should in the first instance be laid on distilled liquors to the point of their utter repression. So drastic a measure would defeat its own purpose unless legislation at the same time encouraged the substitution of fermented drinks in place of the distilled, through a system of carefully graduated taxes upon fermented liquors in proportion to their alcoholic strength.

Thanks to a false temperance doctrine, we habitu-



ally place all alcoholic drinks on par with regard to their injurious effects and legislate accordingly. The objection that any discrimination tends to perpetuate the drink evil is both untrue and shortsighted. If, in the course of its development, the country should be made ready for complete abstinence, the fact that it had suppressed the worst enemy would be a step toward that end. The plea that the toleration of the sale of beer and wine will perpetuate a politically as well as socially dangerous trade is not in point, for under rational efforts it can be made amenable to law; it now faces the choice between decent respect for public interests and extinction.

Physiologically, there is a wide gulf between the possible injury from the ordinary use of pure light beers, and the indubitable damage to the individual as well as to society through a habitual indulgence in distilled spirits. The recent Alcohol Commission of Norway says on this point: "At the outset it must be conceded that the danger to society from alcoholic drinks differs utterly according as their alcoholic strength is large or small. Furthermore, it seems clear that while the strongest of them—that is, whiskey—must be subjected to particularly severe regulations, the opposite is true of the weakest drinks of this sort. Quite on the contrary, the latter should be subjected to lenient regulations, since an increasing extension of their use will serve to replace the stronger beverages, and therefore, in the

opinion of the majority, represents an essential means in the warfare against the abuse of alcoholic beverages."

This view has obtained recognition in the laws, not only of Norway but of Sweden and Denmark, where beers containing 2.25 weight (equaling 2.8 volume) per cent of alcohol are exempt from taxes. The result has been greatly to stimulate their production and gradual substitution for stronger alcoholic drinks. In Denmark at one time the manufacturers protested against this innovation as a ruinous experiment, declaring that wholesome beer of such a low percentage of alcohol could not be produced; but experience proved them wholly wrong. Their chief energy now appears to be directed to the manufacture of the tax-free grade of beers. In Norway, malt beverages for purposes of taxation are divided into three classes, the lightest being exempt from imposts and the others taxed in proportion to their alcoholic strength, with a limit of five and one-half per cent, above which no beers may be manufactured.

It is interesting to observe that even the prohibitionists represented on the Norwegian Alcohol Commission conceded the wisdom of freeing the lightest malt beverages from imposts, but would limit the exemption to those not exceeding two per cent in volume of alcohol. The consensus of opinion therefore is that certain malt drinks must be regarded as non-intoxicants and should be dealt with accordingly. Only persons whose vision is wholly blinded

by prejudice or obscured by the cobwebs of ignorance are expected to enter a denial.

In any scheme of liquor-tax reform the Federal government must necessarily lead the way. Is that an insuperable circumstance? Congress has not shown itself impervious to a consideration of the moral aspects of the drink question, and may be persuaded to employ the one safe method of counteracting the use of the real intoxicants. The suggestion that the Federal government can best accomplish this by monopolizing the manufacture of distilled liquors seems perilous under our political conditions; but an expropriation of the distilled-liquor interests might be effected without a direct burden on the government, through an extra tax on beer, covering, however, a definite period of time.

It would be altogether equitable that the liquor interests which survived should help to bear the losses incurred by those that may be suppressed. There is no question of favoritism, but merely what best conduces to sobriety and the general good of society.

The principle of taxing liquors with the object of promoting temperance must be carried into the liquor legislation of each state, particularly in respect to the classification of license privileges and the fees exacted. Locally, the makers of beer should not pay a uniform license fee, but one based upon the nature of their product, always exempting malt drinks under a specified strength. Selling-places

should pay license fees in proportion to the amount and kind of liquor sold. The prevailing inelastic methods of imposts virtually make it impossible for the vender of fermented drinks alone to subsist. In a perverted enthusiasm for repression, we have thus actually put a premium on the sale of "hard liquors," since under high-license systems they are the really profitable articles of sale. As the constant object should be to discourage the use of distilled beverages, they must be placed under exceptional restrictions, and might conceivably be altogether forbidden as an article of consumption on the premises; or the number of places in which they could legally be sold might be restricted to the lowest limits consistent with the suppression of an illicit traffic.

Perhaps it would be wise to repress the distribution of distilled liquors gradually as an article of consumption except for technical and medical purposes. Always it must be remembered that legislation which outruns the support of public opinion may result in stimulating the illegal traffic beyond the bounds of control.

Although we are not yet a wine-drinking nation, it is likely that a gradual suppression of the manufacture and sale of distilled liquors would lead to an increasing use of wines. Special regulative measures would have to be enacted governing the production and sale of vinous products. There is no reason in equity why wine production, including the

so-called fruit wines, should not be subject to taxation after the manner of other fermented drinks. Governmental supervision is needed to prevent adulteration and the manufacture of spurious articles.

As wines enter the retail trade, they must be subject to restrictions placing the heaviest sorts in a class with distilled liquors. For the rest, taxes should be levied, as in the case of beers, according to alcoholic strength. The displacement of whiskey would fail of its purpose unless the substitution of noxious imitation wines is prevented. This method would operate as a reward to the trade in the lightest grades of wine and therefore the least objectionable.

Finally, especially severe restrictions should be placed on alcohol distributed in the form of patent medicines which present a grave and insidious danger to sobriety.

2. The employment of the tax-laying power in the interests of temperance would be a vain endeavor under loose or inadequate apportionment and supervision of the privileges to sell intoxicants. The essential details of an ideal licensing system cannot be developed in a few sentences. The starting-point is the selection of licensing authorities. In general, the choice seems to lie between the local judiciary and a state agency. As between the two, in view of the extraordinary complications into which state machinery may be thrown through political manœuvres, it is likely that in most states the

judiciary would render the better service. The system should, so far as possible, be uniform for the entire state. Local licensing bodies, through their almost inevitable entanglements with politics, respond poorly or not at all to their duties.

Our states differ so greatly in their legal traditions, the character of their population, and the public attitude on the drink question, that to suggest a uniform scheme of licensing authorities supposed to be applicable to all would be a vain attempt. This much, however, may be said: New and improved conditions of dealing with the traffic in liquor would greatly ease the burden of issuing and supervising licenses. It is taken for granted that any licensing body should have wide discretionary powers in prescribing general conditions of license and in revoking or suspending privileges for violations of the law.

The control of the retail traffic by producers of liquor is directly harmful and makes for a tied-house system comparable to that of England. It makes no real difference whether the trade owns saloons outright or controls them by supplying capital to the nominal proprietor which enables him to engage in the business. In practice either method of control produces unwholesome conditions and renders it difficult to fix responsibility where it belongs. The retailer should not be the slave of a master whose one motto may be to push sales, but a free agent responsive to public influences. Besides,

the temptation to use saloon control for political purposes must be eliminated in every way. That some producers insist upon decorum and strict obedience to law in the saloons owned or controlled by them does not in the least prove that proper observance of public welfare can best be obtained through their proprietorship. One notes with interest that brewers round about the country are beginning to realize the unsoundness of a policy which not only puts the odium of bad saloon conditions on their shoulders, but provides an incentive to antagonize efforts for betterment. An association of producers in Indiana recently went on record as favoring the absolute separation of the retail trade from control by the producing interests.

A discussion of the many checks that have been invented to keep drink-selling within desirable bounds would carry us too far afield. Besides, a few of them are basic. The usefulness of proper closing hours and their strict enforcement, the prevention of sales to minors and intoxicated persons, rigorously excluding loose women from the premises, etc., do not require extended mention. The general principle to be followed must be not to harass dealers with trifling rules, but to make it a condition of license that preventable disorder and indecencies of all kinds result in the suspension or revocation of the privilege to sell. The licensing authorities must see to it that the privilege to serve intoxicants is kept in responsible hands. In all matters of special

rules and restrictions, the well-defined needs of the community must be consulted.

The saloon has survived as a social institution, not as some reformers seem to think, because brewers and distillers require an outlet for their wares, but because it meets the instinct for fellowship and social intercourse, and the use of drink is but incidental to this instinct. No other institution in the larger cities furnishes a common meeting-place imposing so few obligations upon the visitor. The substitutes invented for the saloon have so far failed to displace it, just because they are artificial establishments and cannot be patronized without a sense of obligation. To infer a widespread craving for intoxicants as accounting sufficiently for the popularity of the saloon is most superficial. If all the more or less habitual saloon frequenters became drunkards, alcoholism would long since have swamped us.

There can be no defense whatsoever for the bad features that have so terribly characterized saloon life, but it is another matter to stamp out the institution itself. To put the nation on a milk and water diet will not extinguish the demands for stimulants and that companionship which the saloon supplies. The real question is to replace the bad saloons by well-ordered places and under auspices subject to competent control. It is useless to sprinkle rose-water on the Bowery. Until it is made over, human nature will have its way, but legislation can help to direct it from straying too far. Unless in formulating the



laws for the regulation of drink we are willing to forego the abstract ideal with an eye to the life that pulsates about us, we shall only record disheartening failures. No restrictive measures can turn the saloon into a Sunday-school, but it can be shorn of features that have made it a by-word.

One essential duty is to prevent those who notoriously abuse drink from the opportunity to purchase it on every hand. Mention has been made of the system of individual licensing which lately has obtained legal sanction in Sweden. Briefly, the plan consists in "blacklisting" all persons known or found to be alcoholics and strictly forbidding all sales of spirits to them; all others must present official credentials before being permitted to buy distilled spirits in limited quantities. So far the policy has yielded highly promising results. That an inquisitorial procedure is part of this policy can hardly be more repugnant to the individualist than prohibition with its incessant "Thou shalt not." In some of our states rudimentary legislation has been enacted with the object of preventing sales to inebriates; its success, if any, has been very mild. Perhaps the Swedish system of individual licensing would not prove very practicable in connection with our present system of selling liquors which leaves so many loop-holes for evasion of the law. Under improved legislation it might be useful, and its institution under the company system of selling liquor will be comparatively simple.

Much of our liquor legislation, especially in regard to restrictions on the saloon, has suffered from the parochial opinion that what fits conditions in a village which really should be without saloons, is just as applicable to a metropolitan center. Occasionally, our systems of control break down from sheer rigidity. There should be enough elasticity to allow for the varying needs of the local community.

3. The local-option privilege must be maintained, but the legislation that has grown up around it needs to be recast in important respects, so that in practice local option shall mean what the term implies, and not become a subterfuge for seeking political ascendancy or coercing the local community to adopt a given policy against its will.

Three things seem to be especially needful in order to make local prohibition successful. First, the vote should be taken at intervals of not less than three years, so that the plan decided upon may be thoroughly tested. Second, much more than a majority, perhaps a two-thirds vote, should be required to determine the issue. It has been shown elsewhere that the legislation of other countries recognizes that a simple majority is not sufficient to guarantee the stability of a no-license policy.

It is instructive to observe that the Norwegian Alcohol Commission in its recent report recommends that in all local-option elections those who abstain from voting shall be counted as against prohibition,

on the theory that its advocates will be sure to appear at the polls, and in order to prevent a stampede against license contrary to the desire of most of the voters.

It may be urged in objection to this suggestion that in many places local prohibition is won by so narrow a margin that any other plan than a simple majority would bring about a marked return to license. The answer is, of course, that without a preponderance of public sentiment representing more than a majority of a small proportion of qualified voters, the necessary support of no license will not be sufficient to insure proper enforcement of the law; and in such cases the usual see-saw between the two policies will occur which, as a rule, proves highly demoralizing. Communities that have successfully excluded the saloon for a period of years should not experience great difficulty in obtaining more than a majority vote for no license. Another wholesome provision in local option elections is that at least thirty-five per cent of the qualified electors must participate in it in order to make the result valid. To foist local-option elections upon a community on the petition of a handful of voters and to compel the acceptance of the verdict rendered by another handful of electors does not constitute a proper test of public sentiment.

Third, the units in local-option elections must be so defined that urban (not village) communities may get their preference respected. It is mere travesty

of the local-option principle and a perverted use of power when, for instance, under the county-unit system, an important municipality within the county finds its wishes in licensing matters overridden by the rural population from remote parts.

A fourth element might be recognized in legislation,—namely, giving the voters a choice between absolute local prohibition and the exclusion from sale of all alcoholic beverages above a specified strength. It means a logical extension of the principle upon which the taxation of liquors should be based, and would insure a continuity of the no-license policy now lacking in many places, besides offering a safeguard against the too common violations of prohibition. The suggestion naturally will be regarded as dealing a death-blow to local prohibition by those who conceive that all alcoholic liquors are equally of the devil, harmful to use and sinful to sell; and the commonplace but wholly unsubstantial objection will be raised that the slightest relaxing of prohibition conditions would soon destroy the whole structure.

4. One cardinal principle in liquor legislation unfortunately has not yet entrenched itself in our statutes,—that of permitting the local community to award a monopoly of drink-selling to a private organization or company which shall undertake it, not for private gain, but for the public good. It marks the one long forward step in drink-regulation of a century. Rudimentary experiments with this

method of control have taken place, to be sure, in certain of our Southern states, but under imperfect regulations or practically under no law at all.

In Sweden and Norway and already on a considerable scale in England, as mentioned in the preceding chapter, the company system has vindicated its usefulness in several fundamental respects. It has shown itself to be the only arrangement for selling under which the consumption of distilled spirits gradually diminishes and alcoholism to that extent is lessened. It places the responsibility for an inherently dangerous traffic on citizens of high standard and integrity, who by law are made disinterested in sales, and against whom not a breath of scandal or suspicion blows. The company system, instead of being inimical to progressive liquor legislation by serving to perpetuate an undesirable industry, step by step clears the way for restrictive measures of increasing intensity, without denying due personal liberty, and permits far-reaching experiments because it substitutes the public good for the motive of private profit.

To call the company system un-American and repugnant to our sentiment about drink-selling, and to say that good people could not be induced to direct it, is merely to beg the question. The bald truth came to the surface some years ago when a permissive act, which would have enabled experiments with the company system, came within one vote of passage by the Massachusetts legislature. A coali-

tion of prohibitionists and liquor-dealers defeated it. Indeed, the prohibitionists can claim the credit, for they protested loudly and incessantly against the essential immorality of doing aught to prevent alcoholism, so long as it included the perpetuation even under the severest restrictions of the sale of liquor of any kind and in any form. How rarely our theoretical squeamishness translates itself into practice, conditions in the prohibition states show.

To what extent the company system, or a modified adaptation of it to American conditions, is applicable to large centers of population cannot be decided offhand. But its desirability for smaller urban communities can no longer be doubted. At the outset we should be content with permissive laws enabling one community after another, voting license, to award a private company a monopoly of all selling privileges. Once the system had vindicated its effectiveness on a modest scale, the demand for its wider application would become irresistible.

One frequently hears the criticism made when the introduction of the company system in America is advocated, that responsible citizens will absolutely refuse to have aught to do with the sale of liquor even under the most ideal auspices. The objection does not hold. In the Southern states, under the voluntary practice of the dispensary system, no difficulty of this sort was experienced. Moreover, the number of intelligent and public-spirited men and women who do not believe in prohibition as the one

remedy is sufficiently large in all populous centers to insure that enough could be found to act as sponsors for a private company undertaking a monopoly of licenses to sell intoxicants.

Opponents of the company system have argued that its logical sequence is the eventual nationalization of the drink traffic. The objection is fanciful; even in the home-lands of the system such an event seems very remote. For us, whose government is often strained to the breaking point by simpler affairs, it would be the rankest folly to seek national control of drink-selling. Other things aside, the difficulties of adjusting our dual form of government to the work would be almost insurmountable.

The suggestions offered toward a program of constructive temperance reform bear the hall-mark of experience gained through generations, and of respect for human nature even in its frailties. The general adoption of this program—and so happy an event is conceivable—would not make the nation proof against alcoholism. There are no legal formulæ by which men can be made sober. The prohibition doctrine of coercion has failed because it postulates that the habits and appetites of mankind are amenable to regulation after the manner of some inanimate mechanism; and mistaken attempts at wholesale reform entail more social breakage than salvage.

Why should an almost infantile helplessness and despair about the liquor problem possess so many

minds? We have learned that laws defective in design as well as in execution cannot cope with it. Truly constructive legislation we lack. It remains, therefore, to adopt better ways, although they be not easy and will cost bitter struggle into which men are loth to enter. The extremists so easily make us cowards, by branding those who venture to disagree as dangerous to society or as henchmen of the liquor interests.

Measures for the effective control of the liquor traffic require collective effort and support. There is no excuse for delegating the whole question to the self-elected body of reformers who undertake to represent a public sentiment largely fictitious or of their own creation. On a closer view the real enemies of progressive liquor legislation are found to be a compact group of men who live not only for but by the advocacy of prohibition; who are given irresponsible control of sums so large that they must sow corruption; who are not oblivious of earthly ambitions in their solicitude for temperance; and whose own reason for being is unending: national prohibition would not terminate it, for that opens endless vistas of occupation in enforcing the law.

The public is alive to the claims of temperance, yet weary of the age-long strife over the means whereby it should be promoted. The idea of more repression fills thoughtful men with troublous forebodings, for they know that willingness to abide by unpopular laws is a frail human endowment. To



many, temperance reform spells merely a frantic and unwholesome endeavor to gain the unattainable; but it takes on a new meaning when constructive effort lies at its base.



## APPENDIX

### RELATIVE DEATH - RATES OF SELF - DECLARED ABSTAINERS AND MODERATE DRINKERS FROM THE ACTUARIES' VIEW-POINT

BY EDWARD BUNNELL PHELPS<sup>1</sup>

THE author recapitulates the evidence cited by him as follows:

“ In this paper I have endeavored to present, within reasonable limitations, a fairly complete summary of actuarial evidence and conclusions as to the probable approximate relations of the death-rates of abstainers and non-abstainers, in so far as they are to be measured by life insurance experience. I have tried to present a compact résumé of all the papers on the discussions of the subject which I have come across in my search of the published transactions of the various actuarial societies, summarizing to the best of my ability any and all points of seeming importance made in any of the papers or discussions, whether they tended to support or controvert my own opinions on the subject. I have not quoted the figures of the various comparatively small British life companies which maintain separate departments for abstaining and non-abstaining members, with the exception of those for the United Kingdom Temperance and Gen-

<sup>1</sup> From *The American Underwriter*, New York, June, 1915.

eral Provident Institution presented by its actuary, Mr. Moore, in his paper which was summarized at the very outset of this paper, for the reason that as the greater includes the less none of the other 'temperance companies' has come in for any serious attention in the actuarial discussions. Furthermore, I gave considerable space to the figures of the United Kingdom Temperance and General Provident Institution in a previous paper of mine, published under the title of 'The Supposed Death-Rates of Abstainers and Non-Abstainers and Their Lack of Scientific Value,' in 1910, and know of no reason for covering the same ground again, especially as this paper is practically restricted to the actuarial discussion of the subject.

"To summarize in the briefest possible form the principal points of the actuarial discussion herein recorded, in his inaugural address as President of the Institute of Actuaries, the late Mr. William Hughes, on December 24, 1902, expressed the wish that the Institute might be 'favored by contributions proving the truth of the oft-repeated assertions as to the effect of total abstinence upon the duration of life,' and expressed the opinion that these 'assertions rest at present upon somewhat uncertain ground.'

"Less than a year later, on November 30, 1903, Mr. Roderick Mackenzie Moore, actuary of the United Kingdom Temperance and Provident Institution, complied with Mr. Hughes's wish and presented before the Institute of Actuaries a paper 'On the Comparative Mortality Among Assured Lives of Abstainers and Non-Abstainers,' in which he reviewed the 61-year history of his company up to 1901, and showed that the mortality in its temperance section had been lower by about

26 per cent than had the mortality in the non-abstaining class, the inference being, according to prohibition advocates, that this practically fixed the excess of mortality due to alcohol in the world at large, at least in the case of moderate drinkers as compared with total abstainers.

“ This assumption, which has since reverberated around the world in text-books of physiology and all sorts of other mediums controlled by the Woman’s Christian Temperance Union and other prohibitionist influences, was by no means accepted by the Fellows of the Institute of Actuaries who participated in the discussion following the reading of Mr. Moore’s paper. Mr. H. W. Manly, for instance, pointed out that ‘ the members must not be led away into too wide a generalization from these comparisons,’ as there were other tables in existence showing even lower death-rates than those of the abstainers in Mr. Moore’s company, for instance, in the Clergy Mutual from 1829 to 1887 and the Equitable, of London, from 1863 to 1893.

“ Mr. A. Levine recalled the fact that the abstainers and non-abstainers’ departments of the New Zealand Insurance Department showed substantially identical mortality experiences, and Mr. George King confirmed this statement on the strength of his experience, with Mr. R. P. Hardy, in actuarially advising the New Zealand Department and in examining its mortality, citing the fact that on two valuations the non-abstaining policyholders had received larger bonuses than had the abstainers, and on two other occasions equal bonuses, the abstaining policyholders only once receiving a slightly larger bonus. Mr. King added that he thought there was danger in the discussion of the subject of

the evening of placing the cause for the effect, or vice versa.

“ Mr. T. P. Whittaker, M.P., for many years Chairman and Managing Director of the United Kingdom Temperance, said that many of the Company's abstaining members were life-long abstainers, and sons of abstainers, and suggested that these facts largely accounted for the better experience of its Temperance Section, and supported the contention that abstinence did lead to longer life.

“ The President of the Institute, Mr. Hughes, sounded a warning note as to the uses to which he clearly foresaw the figures in Mr. Moore's paper would be put, saying that ‘enthusiastic temperance advocates would say that the favorable comparison between the two sections was entirely due to abstinence from alcohol. He wished to say that the paper, whatever it proved, did not prove that.’

“ In his paper presented before the Insurance and Actuarial Society of Glasgow, on February 1, 1909, under the title of ‘Some Observations on the Comparative Death Rate of Abstainers and Non-Abstainers in Life Assurance Companies,’ Dr. Ebenezer Duncan remarked that ‘every person who is acquainted with the average insurer is aware that in the non-abstainers' section a certain proportion of persons are known to drink alcoholic beverages to excess, and often to the extent of at least partial intoxication. These bad lives must necessarily bring down the average length of life in that section.’ He estimated that this element, together with those who habitually overdrank, would approximately amount to 20 to 25 per cent of the insurers in the General Section of insurance offices, and

that not more than 75 or 80 per cent of the members of that section could really be described as 'moderate drinkers.' He thought there was a great field for some life company to open a real temperance section, to be restricted to men who should be compelled annually to declare that they did not exceed a conservative daily average of from 1 to 1½ glasses of whiskey or 20 to 30 ounces of beer, according as their occupations were sedentary or outdoor pursuits.

"In his paper 'On the Rates of Death Loss among Total Abstainers and Others,' presented before the Actuarial Society of America on April 25, 1895, Mr. Emory McClintock, the distinguished actuary of the Mutual Life of New York, reviewed that company's experience with the two classes from 1875 to 1889, and showed that the abstainers, according to their declarations in their applications had had a mortality of but 78 per cent of the expected, whereas the non-abstainers' ratio had been 96 per cent, if the experience from the issuance of the policies was taken into account. After the policies had been in force four years, the difference in ratios had narrowed down to 10 per cent, or 8 per cent in the case of American-born policyholders, and Mr. McClintock was satisfied that by no means all of that difference was due to the influence of alcohol. In the case of beer drinkers he thought pretty much all of the extra loss must be attributed to constitutional defects.

"In the discussion of his paper, which followed at the meeting of the Actuarial Society in October, 1895, Mr. John B. Lunger, actuary of the Prudential Insurance Company of America, took issue with Mr. McClintock on this latter point, and showed by Dr. John S. Billings's report on the Vital Statistics of New York and Brook-

lyn in 1890 that, despite the supposed fact that alcohol materially increased the mortality from rheumatism and Bright's disease and liver troubles, the mortality from these causes among the beer-drinking German populations of both cities was materially lower than that of the whiskey-drinking Irish populations. Mr. Lunger thought that the occupations of men in the abstaining and non-abstaining classes might have a good deal to do with their differing mortalities. Mr. Walter S. Nichols, actuary of the United States Industrial Insurance Company, of Newark, N. J., was inclined to agree with Mr. Lunger as to the probable importance of occupation as one factor figuring in the different mortality of the two classes.

"According to the tabular showings of the Medico-Actuarial Mortality Investigation of the experience of 43 American and Canadian life companies in the years 1885-1909, the policyholders who, according to their own statements, had a daily drinking average of two or more ounces of alcohol had a mortality of 186 per cent of the expected, as compared with a mortality of only 118 per cent in the case of the men whose daily average was not supposed to exceed two glasses of beer or one glass of whiskey.

"These figures for the 42,000 cases in all 43 companies are at decided variance with those of the Northwestern Mutual Life's experience with all of its 166,694 policies written between 1886 and 1895, inclusive, brought down to 1900, the entire difference between the death-rates of abstainers and all non-abstainers in the case of this fourth largest ordinary life company in the United States being but 11.15 per cent, and the death-rate of the drinkers of whiskey and other spirits being but 23 per cent higher than that of presumably light



drinkers, those who claimed to drink only beer and wines. The Northwestern Mutual having always been exceptionally careful in its selection of risks, and having up to a very recent date exercised special precautions against mortality due to excessive drinking, it would seem that its experience with 166,694 policies written by one company, with a constantly-followed uniform policy of selection, is fairly entitled to greater consideration than the experience with 42,000 policies in the case of no less than 43 different companies, with differing policies of selection, especially in view of the fact that the heterogeneous mortality experience thus classified apparently shows a vastly greater difference between the death-rates of self-avowed light and slightly heavier drinkers than does the Northwestern Mutual's experience with total abstainers and all classes of non-abstainers.

#### THE SEEMINGLY INEVITABLE CONCLUSION

“ In a word, to my mind, the inevitable conclusion to which this abstract of actuarial experience and opinion leads is, that the probable difference between the death-rates of abstaining and non-abstaining life insurance policyholders is still utterly problematical, but that the tabulated experience of the Northwestern Mutual Life, now for the first time published in detail, comes much closer to an approximation of the actual difference than have any other figures previously published. As to the probable difference between the death-rates of total abstainers and moderately-drinking non-abstainers outside of the realm of life insurance experience, of course there is no sound basis whatsoever even for mere guesses.”

THE ANNUAL PER CAPITA CONSUMPTION IN  
A NUMBER OF FOREIGN COUNTRIES OF  
WHISKEY, BEER, AND WINE DURING THE  
YEARS 1906-1910:

COUNTRIES	WHISKEY (LITER 50%)	BEER (LITER)	WINE (LITER)	PURE ALCOHOL (LITER)
Norway .....	2.87	18.43	1.16	2.37
Sweden .....	6.8	23.8	0.5	4.9
Denmark .....	10.44	36.16	1.50	6.82
Finland .....	2.31	7.82	0.61	1.56
European Russia ....	6.09	6.52	0.86	3.41
German Empire .....	7.29	104.98	4.76	7.47
Netherlands .....	7.16	27.28	1.55	5.01
Belgium .....	5.47	220.82	5.16	10.58
Great Britain and Ireland .....	4.17	123.06	1.23	9.67
France .....	8.82	71.66	144.00	22.93
Spain .....	3.24	84.05	69.50	14.02
Portugal .....	1.04	0.95	92.58	12.59
Switzerland .....	3.82	69.01	55.65	13.71
Italy .....	1.02	1.63	128.58	17.29
Austria-Hungary ....	8.20	34.16	19.84	7.68
Roumania .....	5.50	2.39	23.62	5.20
Bulgaria .....	0.62	3.48	25.74	3.02
Servia .....	8.10	3.68	20.21	....
Greece .....	1.68	0.82	100.04	13.87
British South Africa.	1.91	5.71	3.76	1.85
Australia .....	4.04	55.56	2.33	5.65
New Zealand .....	3.97	44.78	0.94	4.61
Japan .....	0.60	0.47	15.14	2.36
United States .....	5.51	76.25	2.37	6.89
Canada .....	4.23	22.61	0.42	3.31
Brazil .....	....	1.44	4.71	....
Argentine .....	8.44	3.14	41.56	10.21
Chili .....	....	12.26	91.24	....

The above table was compiled by Dr. J. Gabrielsson on behalf of the Swedish Temperance Committee. It is

probably as near an approach to accurate statistics of consumption as can be obtained at the present time. In a number of instances, particularly in regard to some of the less important countries, the calculations are not uniformly for the five-year period shown in the table, and in some cases other drinks than those specially mentioned are included. Thus in the case of France, the quantity of cider used is included under beer.

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In spite of its enormous proportions, the literature dealing with the manifold phases of the alcohol question contains few works of permanent value that are popularly useful. By this is meant works that combine scientific knowledge with an impartial examination into the present-day status of the drink problem in one or more countries, and attempt a constructive program of reform. Unfortunately, some of the most recent and best publications of this kind are not accessible in English. Of late years no specially noteworthy and authoritative books of a general character have appeared either in the United States or in England. Among the older publications in English the following deserve special mention:

The Works of the Committee of Fifty. Published by Houghton Mifflin Company. *The Liquor Problem in its Legislative Aspects; Economic Aspects of the Liquor Problem; Substitutes for the Saloon; Physiological Aspects of the Liquor Problem*;—2 vols. *The Liquor Problem; A Summary of Investigations Conducted by the Committee of Fifty, 1893-1903.*

*The Temperance Problem and Social Reform.* By Joseph Rowntree and Arthur Sherwell. Hodder & Stoughton, London, 9th ed., 1901. Contains in addition to a presentation and constructive suggestions of the British drink question an excellent study of the American experiments in liquor legislation.

Of new works in foreign languages first rank should be given the following:

*Report of the Norwegian Alcohol Commission.* In 7 parts. Christiania, 1913-1915. A most complete and thorough study of the legislative, social, and economic aspects of drink.

*Report of the Swedish Temperance Committee.* In several parts. Stockholm, 1912. Similar in scope to the report of the Norwegian Alcohol Commission.

*Alkoholen och Samhället.* Stockholm, 1912. This work prepared under official auspices by a committee of the Swedish Medical Society contains probably the best popular study of the socially injurious effects of the misuse of alcohol, together with proposals for reform.

*Alkoholfrågan från Medicinsk Synpunkt.* By Dr. Ulrik Quensel, Professor of Pathology and Hygiene at the University of Upsala. Two volumes. Stockholm, 1913. His studies of the pathology of alcoholism embrace a most searching examination of the extensive scientific literature; it nevertheless contains many observations of a general nature and is intended for popular use.

*La Lutte Contre L'Alcoolisme.* By Dr. L. Viaud and H.-A. Vasnier. Paris, 1907. Two memoirs awarded prizes by L'Académie des Sciences, Morales, et Politiques.

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